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CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
09:00 a.m. May 5, 2015

City Council Chambers  
455 North Main

**OPENING OF REGULAR MEETING**

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the regular meeting on April 28, 2015

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**AWARDS AND PROCLAMATIONS**

- Proclamations:  
Bike Month  
Motorcycle Awareness Month  
Small Business Week
- Awards:  
SBA Small Business Week – State Award  
Service Award – Jesse Boomer

**I. PUBLIC AGENDA**

NOTICE: No action will be taken relative to items on this agenda other than referral for information. Requests to appear will be placed on a “first-come, first-served” basis. This portion of the meeting is limited to thirty minutes and shall be subject to a limitation of five minutes for each presentation with no extension of time permitted. No speaker shall be allowed to appear more frequently than once every fourth meeting. Members of the public desiring to present matters to the Council on the public agenda must submit a request in writing to the office of the city clerk prior to twelve noon on the Tuesday preceding the council meeting. Matter pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda. Rules of decorum as provided in this code will be observed.

1. David Wendling - Damages due to removal of Wichita water line.
2. Martin Mork - Property rights and City ordinances.
3. Janice Bradley - Defending the vote.

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**II. CONSENT AGENDAS ITEMS 1 THROUGH 14**

NOTICE: Items listed under the “Consent Agendas” will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the “Consent Agendas” and considered separately

*(The Council will be considering the City Council Consent Agenda as well as the Planning, Housing, and Airport Consent Agendas. Please see “ATTACHMENT 1 – CONSENT AGENDA ITEMS” for a listing of all Consent Agenda Items.)*

**\*\*\*WORKSHOP TO FOLLOW\*\*\***



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**COUNCIL BUSINESS**

**III. UNFINISHED COUNCIL BUSINESS**

None

**IV. NEW COUNCIL BUSINESS**

1. Public Hearing and Tax Exemption Request, R & R Holdings, Inc. (District IV)

RECOMMENDED ACTION: Close the public hearing and approve first reading of the ordinance granting R & R Holdings, Inc. a 91% tax exemption on the identified real property improvements for a five-year term, plus a 91% tax exemption for a second five-year term, subject to City Council review.

2. Public Hearing on Proposed Assessments for Eleven (11) Paving Projects, Five (5) Water Projects, Six (6) Sewer Projects, and One (1) Storm Sewer Project in the September, 2015 Bond Sale Series 816.  
(Districts II, IV, V, and VI)

RECOMMENDED ACTION: Close the Public Hearing, approve the proposed assessments and place the ordinances on first reading.

3. 2015-2016 Second Program Year Action Plan.

RECOMMENDED ACTION: Close the public hearing, authorize the submission of the 2015-2016 Second Program Year Action Plan to the U.S. Department of Housing and Urban Development (HUD), and authorize the necessary signatures on all required documents, certifications, contracts and funding agreements.

4. Together Wichita Donation of K-96 Bike Path Wayfinding Signs. (Districts I and II)

RECOMMENDED ACTION: Accept the donation, approve the Memorandum of Understanding and authorize all necessary signatures.

5. Community Event Resolution, Plaza Mexico Cinco de Mayo. (District VI)

RECOMMENDED ACTION: Adopt the Resolution authorizing a use not allowed by the Wichita-Sedgwick County Unified Zoning Code (UZY) at the Plaza Mexico Cinco de Mayo event occurring at 808 W. 25th Street North for a total of eight days between May 21 and May 31, 2015, and approve the permit for the community event.

6. Community Event with Alcohol Consumption – Resolution. (District IV)

RECOMMENDED ACTION: Adopt the Resolution and authorized the necessary signatures.

(9:30 a.m. or soon thereafter)

7. Repair or Removal of Dangerous and Unsafe Structures. (Districts I and IV)

Property Address

- a. 1321 N. Santa Fe
- b. 1117 S. Richmond

Council District

- I
- IV

RECOMMENDED ACTION: Close the public hearing, adopt the resolutions declaring the building a dangerous and unsafe structure, and accept the BCSA recommended action to proceed with condemnation, allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair the structure would be contingent on the following: (1) All taxes have been paid to date, as of May 5, 2015; (2) the structure has been secured as of May 5, 2015 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of May 5, 2015, as will be so maintained during renovation.

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**COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIES**

**PLANNING AGENDA**

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

**V. NON-CONSENT PLANNING AGENDA**

- 1. ZON2015-00012 and CON2015-00010 – City Zone Change from SF-5 Single-Family Residential (SF-5) to LC Limited Commercial (LC) and Conditional Use to Permit a Self-Service Warehouse on Property Generally Located North of 29th Street North, One-Quarter Mile West of North Hoover Road. (District V)

RECOMMENDED ACTION: 1) Concur with the findings of the MAPC and approve the zoning change and conditional use subject to the conditions enumerated, and adopt the findings of the MAPC and instruct the Planning Department to forward the ordinance for first reading when the plat is recorded (requires three-quarter majority vote); 2) Deny the zoning and conditional use request by making alternative findings, and override the MAPC's recommendation (requires two-third majority vote to override the MAPC's recommendation); 3) Return the case to MAPC for further consideration with a statement specifying the basis for Council's failure to approve or deny the application (requires a simple majority vote).

## **HOUSING AGENDA**

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion. **Carole Trapp Housing Member is also seated with the City Council.**

### **VI. NON-CONSENT HOUSING AGENDA**

#### **1. Public Hearing – Capital Fund Program 2015 Grant and 2015-2019 Five-Year Action Plan.**

RECOMMENDED ACTION: Conduct the public hearing, close the hearing, approve the Wichita Housing Authority (WHA) Public Housing Capital Fund Program 2015-2019 Five-Year Action Plan and 2015 Annual Statement including the allowed transfer of 25 percent of the annual grant to Public Housing operations and authorize the necessary signatures to certify the documents for submission to the U.S. Department of Housing and Urban Development (HUD).

## **AIRPORT AGENDA**

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

### **VII. NON-CONSENT AIRPORT AGENDA**

None

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## **COUNCIL AGENDA**

### **VIII. COUNCIL MEMBER AGENDA**

None

### **IX. COUNCIL MEMBER APPOINTMENTS AND COMMENTS**

#### **1. Board Appointments.**

RECOMMENDED ACTION: Approve the Appointments.

Adjournment

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(ATTACHMENT 1 – CONSENT AGENDA ITEMS 1 THROUGH 14)

**II. CITY COUNCIL CONSENT AGENDA ITEMS**

1. Report of Board of Bids and Contracts dated May 4, 2015.

RECOMMENDED ACTION: Receive and file report; approve the Contracts; and authorize necessary signatures.

2. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2015</u>	<u>(Consumption on Premises)</u>
Terry Newman	Blue River Mexican Grill**	2341 North Greenwich SU 700
Tomas Limon	Los Mexican Burritos Inc**	3005 East Pawnee
Roberto Beltran	Tacos Mexican Fast Food**	1930 East Pawnee
<u>Renewal</u>	<u>2015</u>	<u>(Consumption off Premises)</u>
Ly Ngoc Thi Nguyen	Thai Binh Supermarket***	1530 West 21st North
Andrea Lazenby	Sam's Club #6275***	3084 North Maize Road

\*\*General/Restaurant (need 50% or more gross revenue from sale of food)

\*\*\*Retailer (Grocery stores, convenience stores, etc.)

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

3. Preliminary Estimates:

- a. List of Preliminary Estimates.

RECOMMENDED ACTION: Receive and file.

4. Petitions for Public Improvements:

- a. Water Line Extension to Serve Parkwilde Addition. (District VI)

RECOMMENDED ACTION: Approve Petitions; adopt resolutions.

5. Consideration of Street Closures/Uses.

- a. Community Events - Wichita Craft Beer and Food Fest. (District IV)

RECOMMENDED ACTION: Approve the request subject to; (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; and (3) Securing a Certificate of Liability Insurance on file with the Community Events Coordinator.

6. Agreements/Contracts:

- a. Waterfront Investment, LLC Hold Harmless Agreement. (District II)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

7. Property Acquisitions:

- a. Acquisition of a Temporary Construction Easement at 1113 S. Meridian for the Meridian from Pawnee to McCormick Road Improvement Project. (District IV)  
b. Acquisition of a Temporary Construction Easement at 1426 S. Meridian for the Meridian from Pawnee to McCormick Road Improvement Project. (District IV)  
c. Acquisition of a Temporary Construction Easement at 1737 S. Meridian for the Meridian from Pawnee to McCormick Road Improvement Project. (District IV)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

8. Minutes of Advisory Boards/Commissions

Wichita Employees Retirement System, March 18, 2015  
Police and Fire Retirement System, March 25, 2015

RECOMMENDED ACTION: Receive and file.

9. Amendment to Contract for Parking Management. (Districts I and VI)

RECOMMENDED ACTION: Approve the amendment and authorize the necessary signatures.

10. Change Order Limit Adjustment for Amidon, 21st to 29th Streets North. (District VI)

RECOMMENDED ACTION: Approve the change order limit adjustment, adopt the amending resolution and authorize the necessary signatures.

11. Emergency Water Line Repairs. (District I)

RECOMMENDED ACTION: Ratify the City Manager's emergency approval of the repairs and authorize the necessary signatures.

12. Granting of Drainage Easement at 4910 East 21st Street North. (District I)

RECOMMENDED ACTION: Approve the Drainage Easement and authorize all necessary signatures.

13. Request for Extension of Healthcare Facilities Refunding and Improvement Revenue Bond Letter of Intent, Presbyterian Manors, Inc. (Districts I and VI)

RECOMMENDED ACTION: Approve the extension of the Letter of Intent for Presbyterian Manors Inc. through April 16, 2016.

14. Approval of Certificate of Convenience and Necessity for Scott Hardin d/b/a Big Ticket Limousine Service LLC (Charter Limousine Service).

RECOMMENDED ACTION: Approve a Certificate of Convenience and Necessity for Scott Hardin to operate Big Ticket Limousine Service LLC (Limousine Service), including up to one vehicle in Wichita, Kansas.

15. Second Reading Ordinances: (NONE)

RECOMMENDED ACTION: Adopt the Ordinances.

**II. CONSENT PLANNING AGENDA ITEMS**

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

None

**II. CONSENT HOUSING AGENDA ITEMS**

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

**Carole Trapp, Housing Member is also seated with the City Council.**

None

**II. CONSENT AIRPORT AGENDA ITEMS**

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

None

City of Wichita  
City Council Meeting  
May 5, 2015

**TO:** Mayor and City Council

**SUBJECT:** Public Hearing and Tax Exemption Request (R & R Holdings, Inc.) (District IV)

**INITIATED BY:** Office of Urban Development

**AGENDA:** New Business

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**Recommendation:** Close the public hearing and place the ordinance on first reading.

**Background:** R & R Aerospace (R & R) is a machining and assembly company based in southwest Wichita. R & R is planning an expansion and is seeking approval of an Economic Development Tax Exemption (EDX) to make the project viable.

**Analysis:** R & R was purchased in 2007 by Brett and Karla Jacobson. The company manufactures and assembles aircraft components related to wings, struts, landing gear, flight controls, doors, vertical stabilizers, fuselage components and interiors. The company has certifications as a Tier 3 supplier for customers such as Boeing, Spirit, Cessna and Sikorsky. It occupies two buildings located at 2615 Esthner Court and 2605 W. Esthner Avenue, near Harry and Pawnee. The 2605 Esthner facility is owned by R & R Holdings, Inc., a real estate holding company owned by the Jacobson's. The holding company will be the legal entity that is requesting the abatement but it is for the benefit of the operating company.

R & R is currently bidding on a new work package that would cause it to need to upgrade the 2605 Esthner facility to accommodate new machinery and equipment as well as a need to expand the existing facility to handle the demands of the new contract. The expansion project would be completed in phases based upon the timing and demand of the work package.

**Phase I:**

- \$400,000 construction
  - Upgrades to existing facility (HVAC, lighting, electrical) to allow for installation of new equipment and enclosing an existing covered area
- \$1,525,000 machinery and equipment

**Phase II:**

- \$100,000 building upgrades
  - Foundation and electrical work for the addition of new machinery and equipment
- \$1,150,000 machinery and equipment

**Phase III**

- \$600,000 real property improvements
  - 4,000 square foot expansion to accommodate new machinery and equipment
- \$1,300,000 machinery and equipment

Total Investment: \$1,100,000 (real property) + \$3,975,000 (M&E) = \$5,075,000

R & R currently employs 18 and intends to add 28 new jobs over the next five years at an average annual salary of \$49,000, which is above its North American Industrial Classification System code of \$48,011.

Based on the City's sliding scale for determining the total tax abatement percentage, R & R qualifies for a 43% abatement for its capital investment and an additional 48% for job creation, for a total abatement of 91%.

**Financial Considerations:** Based on the latest available mill levy, the estimated amount of exempted property taxes for the first full year is \$29,370, based upon the Sedgwick County Appraiser's office valuing the real property improvements subject to exemption at \$1,100,000. The estimated amount of forgone tax revenue for each of the taxing jurisdictions based on the 91% real property tax exemption is as follows:

City	\$ 8,171	State	\$ 375
County	\$ 7,377	USD 259	\$ 13,447

During the term of the abatement, the existing facility will generate a tax base as will the unabated portion of the expansion. Upon the expiration of the tax abatement, the expansion project will generate new property taxes. The value of the property tax revenue stream for the City is summarized below.

TAX IMPACT	From Existing Property	From Expansion Project	TOTAL Tax Revenue
City Property Tax Received	\$2,337	\$808	\$3,145
TOTAL 10 Years	\$23,370	\$8,070	\$31,440

Annual Tax Revenue Received after Abatement Expires: \$11,316
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Wichita State University's Center for Economic Development and Business Research performed a cost-benefit analysis indicating benefit-to-cost ratios, which are as follows:

City of Wichita	2.08 to one
City – General Fund	1.85 to one
City – Debt Service	2.53 to one
Sedgwick County	1.63 to one
USD 259	1.10 to one
State of Kansas	37.40 to one

**Legal Considerations:** The Law Department has approved the attached Ordinance and Economic Development Incentive Agreement as to form.

**Recommendations/Actions:** It is recommended that the City Council close the public hearing and approve first reading of the ordinance granting R & R Holdings, Inc. a 91% tax exemption on the identified real property improvements for a five-year term, plus a 91% tax exemption for a second five-year term, subject to City Council review.

**Attachments:** Ordinance  
Economic Development Incentive Agreement



FIRST PUBLISHED IN THE WICHITA EAGLE ON MAY 15, 2015

ORDINANCE NO. 50-010

AN ORDINANCE EXEMPTING PROPERTY FROM AD VALOREM TAXATION FOR ECONOMIC DEVELOPMENT PURPOSES PURSUANT TO ARTICLE 11, SECTION 13, OF THE KANSAS CONSTITUTION; PROVIDING THE TERMS AND CONDITIONS FOR AD VALOREM TAX EXEMPTION; AND DESCRIBING THE PROPERTY OF R & R HOLDINGS, INC./R & R AEROSPACE SO EXEMPTED.

WHEREAS, Article 11, Section 13, of the Kansas Constitution provides that the governing body of the City may, by Ordinance, exempt from all ad valorem taxation all or any portion of the appraised value of certain property meeting the requirements of the constitutional provision; and

WHEREAS, the City of Wichita has adopted an Economic Development Incentive Policy by which the City will consider granting tax exemptions upon a clear and factual showing of direct economic benefit including the creation of additional jobs or the upgrading of existing jobs and the stimulation of additional private investment; and

WHEREAS, R & R Holdings, Inc./R & R Aerospace, requests an ad valorem tax exemption on a proposed expansion project of 91% for a five-plus-five year term on the expansion and equipping of a facility; and

WHEREAS, R & R Holdings, Inc./R & R Aerospace has operated within the City for more than ten years as a manufacturer; and

WHEREAS, R & R Holdings, Inc./R & R Aerospace, proposes a \$5,075,000 expansion and equipping of a building located at 2605 W. Esthner Avenue in southwest Wichita; and

WHEREAS, the City Council of the City of Wichita has reviewed the application and supporting documentation supplied by R & R Holdings, Inc./R & R Aerospace, has reviewed the impact statements provided by Staff, and the Cost-Benefit Analysis by the Wichita State University and has conducted a public hearing on such application on May 5, 2015; and

WHEREAS, the City Council of the City of Wichita has found and determined:

1. R & R Holdings, Inc./R & R Aerospace is an existing business located in Wichita, Kansas, and intends to expand its business by the expansion and equipping of an existing building.

2. The expansion and equipping for which the exemption is given occurred after January 1, 2015. No exemption will be given for expansion and equipping which occurred before that date.

3. Such expansion and equipping is to be used exclusively for manufacturing and distribution of articles of commerce.

4. By such expansion, R & R Holdings, Inc./R & R Aerospace will retain 18 employees and create new employment for 28 employees within five years after the start of the project.

5. Tax exemption will be given only for the expansion and equipping of the existing building.

6. The property on which exemption is given will meet the requirements of the Kansas Constitution and the City of Wichita's Economic Development Incentive Policy.

7. Such ad valorem tax exemption is in the public interest providing for economic growth and benefit including the creation of jobs and stimulating additional private investment.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS,

1. The City Council of the City of Wichita, Kansas hereby makes a factual determination that an ad valorem tax exemption of the type requested by R & R Holdings, Inc./R & R Aerospace is required to retain jobs in the State of Kansas, and that the property to be exempted is to be used exclusively for manufacturing and distribution of articles of commerce.

2. R & R Holdings, Inc./R & R Aerospace is hereby granted an ad valorem tax exemption of 91% for a five-year term on the expansion and equipping of an existing building and 91% for a second five years, subject to approval by the then current governing body, located within the Wichita City limits at 2605 W. Esthner Avenue in southwest Wichita, at an estimated cost of \$5,075,000. Such exemption is to begin in the calendar year after the calendar year in which the expansion is completed, and may be terminated early (and R & R Holdings, Inc./R & R Aerospace may be required to repay amounts previously abated), in the event of any failure by R & R Holdings, Inc./R & R Aerospace, to perform its obligations under the Economic Development Incentive Agreement it has executed with the City.

3. The Economic Development Incentive Agreement between the City of Wichita and R & R Holdings, Inc./R & R Aerospace is hereby approved.

4. The Office of Urban Development shall be responsible for monitoring the performance of R & R Holdings, Inc./R & R Aerospace and shall provide annual reports on such performance.

5. Such exemption is subject to verification that the level of employment at the time of the completion of the project is at least equal to the level of employment as stated in R & R Holdings, Inc./R & R Aerospace's written request for ad valorem tax exemptions as presented to the City Council and to administrative staff and as stated in R & R Holdings, Inc./R & R Aerospace's annually approved EEO/AA Plan.

6. Such exemption may hereafter be withdrawn by the City Council upon a finding that R & R Holdings, Inc./R & R Aerospace no longer is entitled to such exemption in accordance with the Economic Development Incentive Agreement, which R & R Holdings, Inc./R & R Aerospace has executed with the City.

7. The City Council may, at its discretion, require R & R Holdings, Inc./R & R Aerospace to return all funds exempted if there is a failure to meet the terms and conditions of the Economic Development Incentive Agreement which R & R Holdings, Inc./R & R Aerospace has executed with the City.

8. Upon finding that R & R Holdings, Inc./R & R Aerospace has failed to meet its obligations under the Economic Development Incentive Agreement, the City Council shall require the repayment of all prior amounts of taxes that have been exempted and shall withhold any future exemption of taxes on R & R Holdings, Inc./R & R Aerospace's expansion project. All repayments shall be redistributed to the local taxing authorities at the proper taxing rates.

9. This Ordinance shall be in full force and effect from and after its passage and publication in the official City paper.

Passed by the governing body of the City of Wichita, Kansas this 12th day of May, 2015.

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Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to Form:

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Sharon L. Dickgrafe, Interim City Attorney  
and Director of Law

# Economic Development Incentive Agreement

**THIS ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT** (the “Agreement”) is made and entered into on this \_\_\_\_ day of May, 2015, by and between the City of Wichita, Kansas, hereinafter referred to as the “City,” and R & R Holdings, Inc./R & R Aerospace hereinafter referred to as the “Company.”

**WHEREAS**, the Company currently operates a manufacturing and distribution facility in Wichita, Kansas, and will complete a building expansion, including equipping of said expansion, to its facility; and

**WHEREAS**, both the City and the Company desire for the Company to continue operating its business in Wichita, Kansas; and

**WHEREAS**, the City desires to increase employment opportunities for the citizens of Wichita, Kansas, and to further the other goals advanced by its economic development incentive policy; and

**WHEREAS**, the Company warrants that it is capable of, and desires to, increase the number of employment positions at its Wichita, Kansas facility; and

**WHEREAS**, the City has designed an economic development incentive program to accomplish its goal of increasing employment opportunities in Wichita, Kansas; and

**WHEREAS**, the purpose of this Agreement is to state the terms and conditions under which the City will cooperate in furnishing said economic development incentives.

**NOW, THEREFORE**, in consideration of the mutual conditions, covenants and promises contained herein, the parties hereto agree as follows:

1. **THE COMPANY.** The Company agrees (to the extent not already hitherto performed) that it shall do the following:
  - A. Between May 1, 2015 and December 31, 2017, the Company will expand and equip a facility, located at 2605 W. Esthner Avenue, Wichita, Kansas, at a cost of \$5,075,000, to be used exclusively for the purposes of manufacturing and distributing articles of commerce;
  - B. Maintain, throughout the period from the date of this Agreement to December 31, 2020, employment of not less than eighteen (18) employees at the facility;
  - C. On or prior to December 31, 2020, the Company will add an additional twenty-eight (28) new jobs at the new facility, and thereafter, maintain

employment of not less than forty-six (46) employees through December 31, 2025;

- D. During the entire term of this Agreement, the Company will continuously maintain the average wage paid to its employees at a level (1) equal to or greater than the average wage paid by businesses in the Wichita Metropolitan Statistical Area with the Company's NAICS classification, or alternatively, (2) greater than the average wage for all jobs in the Wichita Metropolitan Statistical Area excluding wages paid by businesses classified in NAICS Sector 326;
- E. During the entire term of this Agreement, the Company will meet any Equal Employment Opportunity/Affirmative Action goals set forth in its periodic filings with the City, and will annually file its Equal Employment Opportunity/Affirmative Action Plan with the City;
- F. During the entire term of this Agreement, the Company will timely pay all *ad valorem* property taxes levied on its real or personal property within Sedgwick County, Kansas;
- G. During the entire term of this Agreement, the Company will ensure that it does not discriminate or permit discrimination against any person on the basis of race, color, national origin or ancestry, religion, sex, age, disability or marital status in its operations or services, and the Company will comply with all applicable provisions of the Civil Rights Act of 1964, as amended; the Equal Employment Opportunity Act of 1972; Presidential Executive Orders 11246, 11375 and 11141; Part 60 of Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967; the Kansas Act Against Discrimination, K.S.A. 44-1000, *et seq.*; the Code of the City of Wichita Section 2.12.950; and, any laws, amendments or regulations promulgated thereunder, including any Ordinance of the City of Wichita, Kansas, presently existing or hereafter enacted, which pertains to civil rights and equal employment opportunity;
- H. During the entire term of this Agreement, the Company will comply with all applicable governmental laws, rules and regulations; and,
- I. During the entire term of this Agreement, the Company will cooperate with any annual compliance audit procedure(s) the City may adopt to monitor compliance with conditions, including any annual reports required of the Company and any inspection of the Company's premises or interviews with the Company's staff.

2. **EFFECT OF COMPANY'S BREACH; REMEDIES.** The Company acknowledges that in the event of its noncompliance with any of its obligations or

agreements under the foregoing Section 1, the City will not have received the social and economic development benefits expected in connection with its entry into this Agreement and its furnishing of the economic development incentives provided for hereunder, and the resulting loss to the City will be difficult to measure. In such event, Company shall be required to pay to the City, as liquidated damages, or as a payment in lieu of tax, an amount equal to the *ad valorem* taxes that would theretofore have been payable but for the tax exemption referred to in Section 3 of this Agreement, and the City shall be entitled to take action to cancel and revoke such exemption for any subsequent period. No delay or omission by the City to enforce any of its rights as provided for herein shall impair such right, nor shall any such delay or omission be construed to be a waiver of such right.

3. **THE CITY.** So long as the Company meets and performs its obligations under this Agreement, it is the City's intention that the expansion and equipping of a building by the Company pursuant to Section 1.A., above, shall be entitled to a 91% exemption from *ad valorem* taxation for a period of five (5) calendar years, after commencing January 1, 2016, such commencement date is contingent on the project actually being completed by December 31, 2015, and provided proper application is made therefor. It is the City's further intention that the building expansion shall be entitled to a 91% exemption from *ad valorem* taxation for an additional period of five years from January 1, 2021 to December 31, 2025, subject to the approval, in 2020, of the then current governing body. The City agrees that, during the term of this Agreement, and so long as the Company continues to meet and perform all of its obligations under this Agreement, the City will reasonably cooperate with the Company's efforts to perfect the intended exemption before the Kansas Court of Tax Appeals, and to make all necessary annual filings required to maintain such *ad valorem* tax exemption in full force and effect during the term of this Agreement, in accordance with K.S.A. 79-210 *et seq.*
4. **TERM.** This Agreement shall commence on the date first written above, and shall end on December 31, 2025.
5. **INCORPORATION OF APPENDIX.** Appendix A (Revised Non-Discrimination and Equal Employment Opportunity/Affirmative Action Program Requirements Statement for Contracts or Agreements) is attached hereto and made a part hereof as if fully set out herein.
6. **ENTIRE AGREEMENT.** This Agreement and any Appendices attached hereto contain all the terms and conditions agreed upon by both parties. No other understandings, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind any of the parties hereto. Any agreement not contained herein shall not be binding on either party, nor of any force or effect. In the event of a conflict between the terms of this Agreement and the terms

contained in an Appendix, Statement of Work or other attachment, the terms of this Agreement will control.

7. **NOTIFICATION.** Notifications required pursuant to this Agreement shall be made in writing and mailed to the addresses shown below. Such notification shall be deemed complete upon mailing.

City: Office of Economic Development  
Attn: Economic Development Administrator  
455 North Main, 13<sup>th</sup> Floor  
Wichita, Kansas 67202

and

Department of Law  
Attn: City Attorney  
455 North Main, 13<sup>th</sup> Floor  
Wichita, Kansas 67202

Company: R & R Holdings, Inc./R & R Aerospace  
Attn: Bret Jacobson  
2615 Esthner Court  
Wichita, KS 67213

8. **AUTHORITY.** Each person executing this Agreement represents and warrants that they are duly authorized to do so on behalf of the entity that is a party hereto.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement the day and year first above written.

CITY OF WICHITA, KANSAS

ATTEST:

\_\_\_\_\_  
Jeff Longwell, Mayor

\_\_\_\_\_  
Karen Sublett, City Clerk

R & R HOLDINGS, INC./R & R  
AEROSPACE

APPROVED AS TO FORM:

\_\_\_\_\_  
Sharon L. Dickgraffe, Interim City Attorney  
and Director of Law

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

## **APPENDIX A**

### **REVISED NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM REQUIREMENTS STATEMENT FOR CONTRACTS OR AGREEMENTS**

During the term of this contract, the contractor or subcontractor, vendor or supplier of the City, by whatever term identified herein, shall comply with the following Non-Discrimination--Equal Employment Opportunity/Affirmative Action Program Requirements:

- A. During the performance of this contract, the contractor, subcontractor, vendor or supplier of the City, or any of its agencies, shall comply with all the provisions of the Civil Rights Act of 1964, as amended: The Equal Employment Opportunity Act of 1972; Presidential Executive Orders 11246, 11375, 11131; Part 60 of Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act of 1990 and laws, regulations or amendments as may be promulgated thereunder.
- B. Requirements of the State of Kansas:
  - 1. The contractor shall observe the provisions of the Kansas Act against Discrimination (Kansas Statutes Annotated 44-1001, et seq.) and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, and age except where age is a bona fide occupational qualification, national origin or ancestry;
  - 2. In all solicitations or advertisements for employees, the contractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase to be approved by the "Kansas Human Rights Commission";
  - 3. If the contractor fails to comply with the manner in which the contractor reports to the "Kansas Human Rights Commission" in accordance with the provisions of K.S.A. 1976 Supp. 44-1031, as amended, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;
  - 4. If the contractor is found guilty of a violation of the Kansas Act against Discrimination under a decision or order of the "Kansas Human Rights Commission" which has become final, the contractor shall be deemed to have breached the present contract, and it may be canceled, terminated or suspended in whole or in part by the contracting agency;



5. The contractor shall include the provisions of Paragraphs 1 through 4 inclusive, of this Subsection B, in every subcontract or purchase so that such provisions will be binding upon such subcontractor or vendor.
- C. Requirements of the City of Wichita, Kansas, relating to Non-Discrimination -- Equal Employment Opportunity/Affirmative Action Program Requirements:
1. The vendor, supplier, contractor or subcontractor shall practice Non-Discrimination -- Equal Employment Opportunity in all employment relations, including but not limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The vendor, supplier, contractor or subcontractor shall submit an Equal Employment Opportunity or Affirmative Action Program, when required, to the Department of Finance of the City of Wichita, Kansas, in accordance with the guidelines established for review and evaluation;
  2. The vendor, supplier, contractor or subcontractor will, in all solicitations or advertisements for employees placed by or on behalf of the vendor, supplier, contractor or subcontractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, "disability, and age except where age is a bona fide occupational qualification", national origin or ancestry. In all solicitations or advertisements for employees the vendor, supplier, contractor or subcontractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase;
  3. The vendor, supplier, contractor or subcontractor will furnish all information and reports required by the Department of Finance of said City for the purpose of investigation to ascertain compliance with Non-Discrimination -- Equal Employment Opportunity Requirements. If the vendor, supplier, contractor, or subcontractor fails to comply with the manner in which he/she or it reports to the City in accordance with the provisions hereof, the vendor, supplier, contractor or subcontractor shall be deemed to have breached the present contract, purchase order or agreement and it may be canceled, terminated or suspended in whole or in part by the City or its agency; and further Civil Rights complaints, or investigations may be referred to the State;
  4. The vendor, supplier, contractor or subcontractor shall include the provisions of Subsections 1 through 3 inclusive, of this present section in every subcontract, subpurchase order or subagreement so that such provisions will be binding upon each subcontractor, subvendor or subsupplier.
  5. If the contractor fails to comply with the manner in which the contractor reports to the Department of Finance as stated above, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

D. Exempted from these requirements are:

1. Those contractors, subcontractors, vendors or suppliers who have less than four (4) employees, whose contracts, purchase orders or agreements cumulatively total less than five thousand dollars (\$5,000) during the fiscal year of said City are exempt from any further Equal Employment Opportunity or Affirmative Action Program submittal.
2. Those vendors, suppliers, contractors or subcontractors who have already complied with the provisions set forth in this section by reason of holding a contract with the Federal government or contract involving Federal funds; provided that such contractor, subcontractor, vendor or supplier provides written notification of a compliance review and determination of an acceptable compliance posture within a preceding forty-five (45) day period from the Federal agency involved.

**City of Wichita  
City Council Meeting  
May 5, 2015**

**TO:** Mayor and City Council Members

**SUBJECT** Public Hearing on Proposed Assessments for Eleven (11) Paving Projects, Five (5) Water Projects, Six (6) Sewer Projects, and One (1) Storm Sewer Project in the September, 2015 Bond Sale Series 816 (Districts; II, IV, V, and VI)

**INITIATED BY:** Department of Public Works & Utilities

**AGENDA:** New Business

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**Recommendation:** Approve the proposed assessments and place the ordinances on first reading.

**Background:** The City Council was notified on February 24, 2015 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

**Analysis:** Notice of hearing was published February 27, 2015, 10 days prior to the date of hearing; for eleven (11) paving projects, five (5) water line projects, six (6) sewer projects and one (1) storm water drain project, in the Wichita Eagle for new additions. All affected property owners have been notified in writing. Department of Finance and Public Works staff held an informal hearing on March 16, 2015 at 11:00 a.m. for the paving, water, sewer and storm sewer projects.

**Financial Considerations:** Statements of Special Assessment will be mailed to the property owners on May 15, 2015. The property owners have 30 days from the date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the September 2015, Bond Sale. The interest added to the principal amount will be determined by the rate at which the bonds sell. The principal and interest will then be spread and placed on the 2016 tax roll.

**Legal Considerations:** The Law Department has reviewed and approved the ordinances as to form.

**Recommendation/Action:** It is recommended that the City Council close the Public Hearing, approve the proposed assessments and place the ordinances on first reading.

**Attachments:** Special Assessments projects list and ordinances.

HEARING ON PROPOSED ASSESSMENTS FOR CONSTRUCTION OF PAVING, WATER, SEWER, AND STORM SEWER PROJECTS:

On February 24, 2015 the Council was notified that the Proposed Assessment Rolls for construction of the following paving, water, sewer, storm projects has been prepared and were on file in the office of Debt Management in the Finance Department for public inspection:

PAVING PROJECTS:

a. (490-323/472-84069) CONSTRUCTING PAVEMENT ON FORESTVIEW AND LOST CREEK (South of 13th St N, East of 135th St W), as authorized by Resolution No. 14-005, adopted January 07, 2014, and published January 10, 2014; and rescinding Res. 04-401, adopted August 03, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 6, 2015 in the amount of \$262,000.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis. District V.

b. (490-322/472-84266) IMPROVING MARBLEFALLS, MANTANE, MARBLEFALLS CT. INCLUDING CUL-DE-SAC & SIDEWALK (North of 45th Street North, West of Hillside), as authorized by Resolution No. 13-136, adopted August 9, 2013, and published October 7, 2005; and rescinding Res. 05-492, adopted 10-04-05. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 06, 2015 in the amount of \$232,500.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis. District I.

c. (490-326/472-84338) CONSTRUCTING PAVEMENT ON TARA FALLS AND TARA FALLS COURT (North of Pawnee, West of 127th St E), as authorized by Resolution No. 13-230, adopted December 3, 2013, and published December 6, 2013; and rescinding Res. 05-682, adopted December 20, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 6, 2015 in the amount of \$153,900.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis. District II.

d. (490-319/472-84560) CONSTRUCTING PAVEMENT ON CHERRY CREEK AND CHERRY CREEK COURT (North of Pawnee, West of 127th St E), as authorized by Resolution No. 07-365, adopted June 19, 2007, and published June 25, 2007. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 6, 2015 in the amount of \$163,800.00 is to be apportioned 100%. The cost has been assessed on a fractional basis. District II.

e. (490-320/472-84948) CONSTRUCTING PAVEMENT ON FAWNWOOD, JAYSON, AND KENNEDY (East of 151st Street West, North of Maple), as authorized by Resolution No. 10-318, adopted December 7, 2010, and published December 10, 2010. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 6, 2015 in the amount of \$292,100.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis. District V.

f. (490-284/472-84981) CONSTRUCTING PAVEMENT ON 27TH STREET (East of Greenwich, South of 29th Street North), as authorized by Resolution No. 11-071, adopted April 5, 2011, and published April 8, 2011. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 06, 2015 in the amount of \$566,300.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a Square Foot basis. District II.

g. (490-331/472-85045) CONSTRUCTING PAVEMENT ON WESTGATE, GREENFIELD, AND GREENFIELD CIRCLE (South of Pawnee, West of Maize), as authorized by Resolution No. 14-189, adopted July 15, 2014, and published July 18, 2014; and rescinding Res. 13-035, adopted February 15, 2013. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 6, 2015 in the amount of \$157,600.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis. District IV.

h. (490-307/472-85067) CONSTRUCTING PAVEMENT ON HOOVER COURT; FROM THE WEST LINE OF HOOVER AVE. WEST TO & INCLUDING THE CUL-DE-SAC (South of Harry, West of Hoover), as authorized by Resolution No. 13-165, adopted September 10, 2013, and published September 13, 2013; rescinding Res. 12-250, adopted December 4, 2012. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 06, 2015 in the amount of \$245,100.00 is to be apportioned 100% payable by improvement district. The cost has been assessed on a square foot basis. District IV.

i. (490-308/472-85078) CONSTRUCTING PAVEMENT ON ROCKY CREEK ROAD, BELLCHASE, & BELLCHASE CT. (North of Harry, East of 127th Street East), as authorized by Resolution No. 13-191, adopted October 22, 2013 and published October 25, 2013; rescinding Res. 13-001, adopted January 08, 2013. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 06, 2015 in the amount of \$919,000.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis. District II.

j. (490-321/472-85128) CONSTRUCTING PAVEMENT ON VERONA, VERONA CIRCLE, VERONA COURT, SIENA & SIENA COURT (North of Kellogg, West of 135th St. West), as authorized by Resolution No. 13-207, adopted November 19, 2013, and published November 22, 2013. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 06, 2015 in the amount of \$699,700.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis. District IV.

k. (490-283/472-84992) CONSTRUCTING PAVEMENT ON 36TH STREET NORTH TO & INCLUDING A TURNAROUND (North from the East line of Arkansas Avenue East), as authorized by Resolution No. 12-192, adopted August 14, 2012, published August 17, 2012; rescinding Res. 11-108, adopted May 03, 2011. Petition for this improvement was signed by owners representing 52% of the property ownership. The Statement of Cost approved in the amount of \$262,120.50 is to be apportioned 86.75% payable by the improvement district, 13.25% payable by the City-at-Large. The cost has been assessed on a square foot basis. District VI.

#### WATER PROJECTS:

l. (470-175/448-89987) Construction of Water Distribution System, South of 13th St. North, East of 135th St. West, as authorized by Resolution No. 14-004 rescinding 04-395, adopted January 7, 2014; August 3, 2004, and published January 10, 2014; August 6, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 6, 2015 in the amount of \$38,800 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis. District V.

m. (470-157/448-90576) Construction of Water Distribution System, North of Harry, East of 127th St. East, as authorized by Resolution No. 13-006, adopted January 8, 2013, and published January 11, 2013. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 6, 2015 in the amount of \$109,143 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis. District II.

n. (470-169/448-90590) Construction of Water Distribution System, South of Kellogg, West of 127th St. East, as authorized by Resolution No. 13-081, adopted May 14, 2013, and published May 17, 2013. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 6, 2015 in the amount of \$31,100 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a Per Lot basis. District II.

o. (470-176/448-90620) Construction of Water Distribution System, South of Kellogg, West of 143rd St. East, as authorized by Resolution No. 13-247, adopted December 10, 2013, and published December 13, 2013. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 6, 2015 in the amount of \$45,201 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis. District II.

p. 470-181/448-90633) Construction of Water Distribution System, North of 21st St. North, West of West St., as authorized by Resolution No. 14-158, adopted June 10, 2014, and published June 13, 2014. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 6, 2015 in the amount of \$72,400 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis. District VI.

#### SEWER PROJECTS:

q. 480-017/ 468-84761) Construction of LATERAL 130, SANITARY SEWER No. 23, To Serve Anderson Acres & Leewood Heights 3rd Addition, East of Meridian, North of 53rd St. North, as authorized by Resolution No. 11-133, adopted June 7, 2011; published June 10, 2011. Petition for this improvement was signed by owners representing 58% of the property ownership. The Statement of Cost approved January 6, 2015 in the amount of \$79,070 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis. District VI.

r. 480-038/ 468-84873) Construction of LATERAL 6, MAIN 20; SOUTHWEST INTERCEPTOR SEWER, To Serve U-NEEDA Self Storage Addition, South of 21st St. North, East of Hoover, as authorized by Resolution No. 14-057 rescinding 13-054, adopted February 25, 2014; April 2, 2013; published February 28, 2014; April 5, 2013. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 6, 2015 in the amount of \$41,300 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis. District VI.

s. 480-050/ 468-84875) Construction of LATERAL 27, MAIN 13, WAR INDUSTRIES SEWER, To Serve Absolute Natural Stone Addition, South of Kellogg, West of 127th St. East, as authorized by Resolution No. 13-130 rescinding 13-082, adopted July 23, 2013; May 14, 2013; published August 4, 2014; May 17, 2013. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 6, 2015 in the amount of \$72,700 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis. District II.

t. (480-054/ 468-84917) Construction of LATERAL SEWER 63, COWSKIN INTERCEPTOR SEWER, To Serve the Courtyards at Auburn Hills Addition, North of Kellogg, West of 135th St. West, as authorized by Resolution No. 14-039 rescinding 13-205, adopted January 28, 2014, November 19, 2013; published January 31, 2014, November 22, 2013. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 6, 2015 in the amount of \$212,585 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis. District IV.

u. (480-055/ 468-83853) Construction of LATERAL 15, NORTHWEST INTERCEPTOR SEWER, To Serve Liberty Park 3rd Addition, South of 13th St. North, East of 135th St. West, as authorized by Resolution No. 14-006 rescinding Resolution 04-397, adopted January 7, 2014; August 3, 2004; published January 10, 2014; August 6, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 6, 2015 in the amount of \$39,600 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis. District V.

v. 480-056/ 468-84923) Construction of LATERAL 440, FOUR MILE CREEK, To Serve Clear Creek Addition, South of Kellogg, West of 143rd St. East, as authorized by Resolution No. 13-246, adopted December 10, 2013; published December 13, 2013; corrected & republished March 31, 2014. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 6, 2015 in the amount of \$81,700 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis. District II.

STORM SEWER PROJECT:

w. (485-415/468-84934) Construction of 468-84934, TO SERVE REMINGTON PLACE ADDITION, South of 21st St. North, East of Webb, as authorized by Resolution No. 14-056, adopted February 25, 2014, and published March 7, 2014. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 6, 2015, in the amount of \$45,700 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis. District II.

Published in The Wichita Eagle, May 15, 2015

ORDINANCE NO. 49-998

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTING PAVEMENT ON FORESTVIEW AND LOST CREEK, TO SERVE LIBERTY PARK 3RD ADDITION, (PROJECT NO. 490-323/472-84069)

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: CONSTRUCTING PAVEMENT ON FORESTVIEW AND LOST CREEK, TO SERVE LIBERTY PARK 3RD ADDITION, and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is \$262,000.00 and that \$262,000.00 be assessed against the improvement district and \$0 be paid by the City at large, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by Resolution No. 14-005, adopted January 07, 014, and published January 10, 2014; and rescinding Res. 04-401, adopted August 03, 2004, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:



SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen (15) years** will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefore in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015** after its passage and publication once in the official city paper.

PASSED by the Governing Body of the City of Wichita, Kansas this **12th day of May 2015**.

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Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(Seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in The Wichita Eagle, May 15, 2015

ORDINANCE NO. 49-999

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF IMPROVING MARBLEFALLS, MANTANE, MARBLEFALLS CT. INCLUDING CUL-DE-SAC & SIDEWALK, TO SERVE FALCON FALLS 2ND ADDITION, (PROJECT NO. 490-322/472-84266)

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: IMPROVING MARBLEFALLS, MANTANE, MARBLEFALLS CT. INCLUDING CUL-DE-SAC & SIDEWALK, TO SERVE FALCON FALLS 2ND ADDITION, and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is \$232,500.00 and that \$232,500.00 be assessed against the improvement district and \$0 be paid by the City at large, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by Resolution No. 13-136, adopted August 9, 2013, and published October 7, 2005; and rescinding Res. 05-492, adopted October 04, 2005, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen (15) years** will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefore in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015** after its passage and publication once in the official city paper.

PASSED by the Governing Body of the City of Wichita, Kansas this **12th day of May 2015**.

---

Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in The Wichita Eagle, May 15, 2015

ORDINANCE NO. 50-001

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTING PAVEMENT ON TARA FALLS AND TARA FALLS COURT, TO SERVE CASA BELLA ADDITION, (PROJECT NO. 490-326/472-84338)

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: CONSTRUCTING PAVEMENT ON TARA FALLS AND TARA FALLS COURT, TO SERVE CASA BELLA ADDITION, and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is \$153,900.00 and that \$153,900.00 be assessed against the improvement district and \$0 be paid by the City at large, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by Resolution No. 13-230, adopted December 3, 2013, and published December 6, 2013; and rescinding Res. 05-682, adopted December 20, 2005, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen (15) years** will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefore in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015** after its passage and publication once in the official city paper.

PASSED by the Governing Body of the City of Wichita, Kansas this **12th day of May 2015**.

---

Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in The Wichita Eagle, May 15, 2015

ORDINANCE NO. 50-002

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTING PAVEMENT ON CHERRY CREEK AND CHERRY CREEK COURT, TO SERVE TARA CREEK ADDITION, (PROJECT NO. 490-319/472-84560)

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: CONSTRUCTING PAVEMENT ON CHERRY CREEK AND CHERRY CREEK COURT, TO SERVE TARA CREEK ADDITION, and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is \$163,800.00 and that \$163,800.00 be assessed against the improvement district and \$0 be paid by the City at large, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by Resolution No. 07-365, adopted June 19, 2007, and published June 25, 2007, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen (15) years** will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefore in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015** after its passage and publication once in the official city paper.

PASSED by the Governing Body of the City of Wichita, Kansas this **12th day of May 2015**.

---

Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in The Wichita Eagle, May 15, 2015

ORDINANCE NO. 50-003

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTING PAVEMENT ON FAWNWOOD, JAYSON, AND KENNEDY, TO SERVE WOODS ADDITION, (PROJECT NO. 490-320/472-84948)

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: CONSTRUCTING PAVEMENT ON FAWNWOOD, JAYSON, AND KENNEDY, TO SERVE WOODS ADDITION, and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is \$292,100.00 and that \$292,100.00 be assessed against the improvement district and \$0 be paid by the City at large, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by Resolution No. 10-318, adopted December 07, 2010, and published December 10, 2010, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:



SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen (15) years** will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefore in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015** after its passage and publication once in the official city paper.

PASSED by the Governing Body of the City of Wichita, Kansas this **12th day of May 2015**.

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Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in The Wichita Eagle, May 15, 2015

ORDINANCE NO. 50-004

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTING PAVEMENT ON 27TH STREET, TO SERVE GREENWICH BUSINESS CENTER ADDITION & UNPLATTED TRACT A, (PROJECT NO. 490-284/472-84981)

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: CONSTRUCTING PAVEMENT ON 27TH STREET, TO SERVE GREENWICH BUSINESS CENTER ADDITION & UNPLATTED TRACT A, and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is \$566,300.00 and that \$566,300.00 be assessed against the improvement district and \$0 be paid by the City at large, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by Resolution No. 11-071, adopted April 05, 2011, and published April 08, 2011, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen (15) years** will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefore in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015** after its passage and publication once in the official city paper.

PASSED by the Governing Body of the City of Wichita, Kansas this **12th day of May 2015**.

---

Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in The Wichita Eagle, May 15, 2015

ORDINANCE NO. 50-005

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTING PAVEMENT ON WESTGATE, GREENFIELD, AND GREENFIELD CIRCLE, TO SERVE SOUTHERN RIDGE 4TH ADDITION, (PROJECT NO. 490-331/472-85045)

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: CONSTRUCTING PAVEMENT ON WESTGATE, GREENFIELD, AND GREENFIELD CIRCLE, TO SERVE SOUTHERN RIDGE 4TH ADDITION, and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is \$157,600.00 and that \$157,600.00 be assessed against the improvement district and \$0 be paid by the City at large, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by Resolution No. 14-189, adopted July 15, 2014, and published July 18, 2014; and rescinding Res. 13-035, adopted February 15, 2013, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen (15) years** will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefore in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015** after its passage and publication once in the official city paper.

PASSED by the Governing Body of the City of Wichita, Kansas this **12th day of May 2015**.

---

Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in The Wichita Eagle, May 15, 2015

ORDINANCE NO. 50-006

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTING PAVEMENT ON HOOVER COURT; FROM THE WEST LINE OF HOOVER AVE. WEST TO & INCLUDING THE CUL-DE-SAC, TO SERVE AIRPORT INDUSTRIAL PARK, (PROJECT NO. 490-307/472-85067)

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: CONSTRUCTING PAVEMENT ON HOOVER COURT; FROM THE WEST LINE OF HOOVER AVE. WEST TO & INCLUDING THE CUL-DE-SAC, TO SERVE AIRPORT INDUSTRIAL PARK, and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is \$245,100.00 and that \$245,100.00 be assessed against the improvement district and \$0 be paid by the City at large, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by Resolution No. 13-165, adopted September 10, 2013, and published September 13, 2013; rescinding Res. 12-250, adopted December 04, 2012, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen (15) years** will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefore in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015** after its passage and publication once in the official city paper.

PASSED by the Governing Body of the City of Wichita, Kansas this **12th day of May 2015**.

---

Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in The Wichita Eagle, May 15, 2015

ORDINANCE NO. 50-007

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTING PAVEMENT ON ROCKY CREEK ROAD, BELLCHASE, & BELLCHASE CT., BELLCHASE THIRD ADDITION, (PROJECT NO. 490-308/472-85078)

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: CONSTRUCTING PAVEMENT ON ROCKY CREEK ROAD, BELLCHASE, & BELLCHASE CT., BELLCHASE THIRD ADDITION, and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is \$919,000.00 and that \$919,000.00 be assessed against the improvement district and \$0 be paid by the City at large, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by Resolution No. 13-191, adopted October 22, 2013 and published October 25, 2013; rescinding Res. 13-001, adopted January 08, 2013, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:



SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen (15) years** will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefore in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015** after its passage and publication once in the official city paper.

PASSED by the Governing Body of the City of Wichita, Kansas this **12th day of May 2015**.

---

Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in The Wichita Eagle, May 15, 2015

ORDINANCE NO. 50-008

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTING PAVEMENT ON VERONA, VERONA CIRCLE, VERONA COURT, SIENA & SIENA COURT, TO SERVE COURTYARDS AT AUBURN HILLS ADDITION, (PROJECT NO. 490-321/472-85128)

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: CONSTRUCTING PAVEMENT ON VERONA, VERONA CIRCLE, VERONA COURT, SIENA & SIENA COURT, TO SERVE COURTYARDS AT AUBURN HILLS ADDITION, and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is \$699,700.00 and that \$699,700.00 be assessed against the improvement district and \$0 be paid by the City at large, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by Resolution No. 13-207, adopted November 19, 2013, and published November 22, 2013, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen (15) years** will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefore in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015** after its passage and publication once in the official city paper.

PASSED by the Governing Body of the City of Wichita, Kansas this **12th day of May 2015**.

---

Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in The Wichita Eagle, May 15, 2015

ORDINANCE NO. 50-009

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTING PAVEMENT ON 36TH STREET NORTH TO & INCLUDING A TURNAROUND, TO SERVE AGNES, HOUSE OF STEWARTS, JAMES C GREEN ADDITIONS, & UNPLATTED TRACTS, (PROJECT NO. 490-283/472-84992)

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: CONSTRUCTING PAVEMENT ON 36TH STREET NORTH TO & INCLUDING A TURNAROUND, TO SERVE AGNES, HOUSE OF STEWARTS, JAMES C GREEN ADDITIONS, & UNPLATTED TRACTS, and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is \$262,120.50 and that \$225,292.50 be assessed against the improvement district and \$36,828.00 be paid by the City at large, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by Resolution No. 12-192, adopted August 14, 2012, published August 17, 2012; rescinding Res. 11-108, adopted May 03, 2011, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **twenty (20) years** will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefore in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015** after its passage and publication once in the official city paper.

PASSED by the Governing Body of the City of Wichita, Kansas this **12th day of May 2015**.

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Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in the Wichita Eagle, **May 15, 2015**

ORDINANCE NO. 49-992

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTION OF **LATERAL 130, SANITARY SEWER No. 23, East of Meridian, North of 53rd St. North (468-84761/480-017)**.

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: constructing **LATERAL 130, SANITARY SEWER No. 23, To Serve Anderson Acres & Leewood Heights 3rd Addition East of Meridian, North of 53rd St. North, 468-84761/480-017** and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is **\$79,070** and that **\$79,070** be assessed against the improvement district and **\$0 .00** be paid by the Sewer Utility Fund, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by **Resolution No. 11-133, adopted June 7, 2011, and published June 10, 2011**, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen(15 years)**, will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefor in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015** after its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this **12th day of May, 2015**.

---

Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in the Wichita Eagle, **May 15, 2015**

ORDINANCE NO. 49-993

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTION OF **LATERAL 6, MAIN 20; SOUTHWEST INTERCEPTOR SEWER, South of 21st St. North, East of Hoover (468-84873/480-038).**

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: constructing **LATERAL 6, MAIN 20; SOUTHWEST INTERCEPTOR SEWER, To Serve U-NEEDA Self Storage Addition South of 21st St. North, East of Hoover, 468-84873/480-038** and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is **\$41,300** and that **\$41,300** be assessed against the improvement district and **\$0.00** be paid by the Sewer Utility Fund, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by **Resolution No. 14-057 rescinding 13-054, adopted February 25, 2014; April 2, 2013, and published February 28, 2014; April 5, 2013**, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:



SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen(15 years)**, will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefor in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015** after its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this **12th day of May, 2015**.

---

Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in the Wichita Eagle, **May 15, 2015**

ORDINANCE NO. 49-994

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTION OF **LATERAL 27, MAIN 13, WAR INDUSTRIES SEWER, South of Kellogg, West of 127th St. East (468-84875/480-050).**

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: constructing **LATERAL 27, MAIN 13, WAR INDUSTRIES SEWER, To Serve Absolute Natural Stone Addition South of Kellogg, West of 127th St. East, 468-84875/480-050** and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is **\$72,700** and that **\$72,700** be assessed against the improvement district and **\$0.00** be paid by the Sewer Utility Fund, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by **Resolution No. 13-130 rescinding 13-082, adopted July 23, 2013; May 14, 2013, and published August 4, 2014; May 17, 2013**, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen(15 years)**, will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefor in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015** after its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this **12th day of May, 2015**.

---

Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in the Wichita Eagle, **May 15, 2015**

ORDINANCE NO. 49-995

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTION OF **LATERAL SEWER 63, COWSKIN INTERCEPTOR SEWER, North of Kellogg, West of 135th St. West (468-84917/480-054).**

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: constructing **LATERAL SEWER 63, COWSKIN INTERCEPTOR SEWER, To Serve the Courtyards at Auburn Hills Addition North of Kellogg, West of 135th St. West, 468-84917/480-054** and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is **\$212,585** and that **\$212,585** be assessed against the improvement district and **\$0.00** be paid by the Sewer Utility Fund, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by **Resolution No. 14-039 rescinding 13-205, adopted January 28, 2014, November 19, 2013, and published January 31, 2014, November 22, 2013**, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen(15 years)**, will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefor in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015** after its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this **12th day of May, 2015**.

---

Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in the Wichita Eagle, **May 15, 2015**

ORDINANCE NO. 49-991

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTION OF **LATERAL 15, NORTHWEST INTERCEPTOR SEWER, South of 13th St. North, East of 135th St. West (468-83853/480-055).**

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: constructing **LATERAL 15, NORTHWEST INTERCEPTOR SEWER, To Serve Liberty Park 3rd Addition South of 13th St. North, East of 135th St. West, 468-83853/480-055** and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is **\$39,600** and that **\$39,600** be assessed against the improvement district and **\$0.00** be paid by the Sewer Utility Fund, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by **Resolution No. 14-006 rescinding Resolution 04-397, adopted January 7, 2014; August 3, 2004, and published January 10, 2014; August 6, 2004,** be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen(15 years)**, will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefor in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015** after its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this **12th day of May, 2015**.

---

Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in the Wichita Eagle, **May 15, 2015**

ORDINANCE NO. 49-996

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTION OF **LATERAL 440, FOUR MILE CREEK, South of Kellogg, West of 143rd St. East (468-84923/480-056).**

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: constructing **LATERAL 440, FOUR MILE CREEK, To Serve Clear Creek Addition South of Kellogg, West of 143rd St. East, 468-84923/480-056** and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is **\$81,700** and that **\$81,700** be assessed against the improvement district and **\$0.00** be paid by the Sewer Utility Fund, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by **Resolution No. 13-246, adopted December 10, 2013, and published December 13, 2013; corrected & republished March 31, 2014**, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:



SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen(15 years)**, will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefor in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015** after its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this **12th day of May, 2015**.

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Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

ORDINANCE NO. 49-986

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF **CONSTRUCTING WATER DISTRIBUTION SYSTEM NO. 448-89987, TO SERVE LIBERTY PARK 3RD ADDITION, South of 13th St. North, East of 135th St. West, (470-175).**

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: constructing **Water Distribution System No. 448-89987**, and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is **\$38,800** and that **\$38,800** be assessed against the improvement district and **\$0.00** be paid by the Water Utility Fund, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by **Resolution No. 14-004 rescinding 04-395, adopted January 7, 2014; August 3, 2004, and published January 10, 2014; August 6, 2004**, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen (15) years**, will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefor in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015**, after its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this **12th day of May, 2015**.

---

Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director

Published in the Wichita Eagle, **May 15, 2015**

ORDINANCE NO. 49-987

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF **CONSTRUCTING WATER DISTRIBUTION SYSTEM NO. 448-90576, TO SERVE BELLECHASE THIRD ADDITION, North of Harry, East of 127th St. East, (470-157).**

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: constructing **Water Distribution System No. 448-90576**, and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is **\$109,143** and that **\$109,143** be assessed against the improvement district and **\$0.00** be paid by the Water Utility Fund, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by **Resolution No. 13-006, adopted January 8, 2013, and published January 11, 2013**, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen (15) years**, will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefor in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015**, after its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this **12th day of May, 2015**.

---

Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in the Wichita Eagle, **May 15, 2015**

ORDINANCE NO. 49-988

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF **CONSTRUCTING WATER DISTRIBUTION SYSTEM NO. 448-90590, TO SERVE ABSOLUTE NATURAL STONE, South of Kellogg, West of 127th St. East, (470-169).**

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: constructing **Water Distribution System No. 448-90590**, and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is **\$31,100** and that **\$31,100** be assessed against the improvement district and **\$0.00** be paid by the Water Utility Fund, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by **Resolution No. 13-081, adopted May 14, 2013, and published May 17, 2013**, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen (15) years**, will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefor in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015**, after its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this **12th day of May, 2015**.

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Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in the Wichita Eagle, **May 15, 2015**

ORDINANCE NO. 49-989

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF **CONSTRUCTING WATER DISTRIBUTION SYSTEM NO. 448-90620, TO SERVE CLEAR CREEK ADDITION, South of Kellogg, West of 143rd St. East, (470-176).**

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: constructing **Water Distribution System No. 448-90620**, and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is **\$45,201** and that **\$45,201** be assessed against the improvement district and **\$0.00** be paid by the Water Utility Fund, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by **Resolution No. 13-247, adopted December 10, 2013, and published December 13, 2013**, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:



SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen (15) years**, will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefor in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015**, after its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this **12th day of May, 2015**.

---

Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in the Wichita Eagle, **May 15, 2015**

ORDINANCE NO. 49-990

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF **CONSTRUCTING WATER DISTRIBUTION SYSTEM NO. 448-90633, TO SERVE EMERALD BAY ESTATES 2ND ADDITION, North of 21st St. North, West of West St., (470-181).**

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: constructing **Water Distribution System No. 448-90633**, and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is **\$72,400** and that **\$72,400** be assessed against the improvement district and **\$0.00** be paid by the Water Utility Fund, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by **Resolution No. 14-158, adopted June 10, 2014, and published June 13, 2014**, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen (15) years**, will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefor in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015**, after its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this **12th day of May, 2015**.

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Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

Published in the Wichita Eagle, May 15, 2015

ORDINANCE NO. 49-997

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTION OF SWS No. 676 TO SERVE REMINGTON PLACE ADDITION, South of 21st St. North, East of Webb. (468-84933/485-415)

WHEREAS, pursuant to the proceedings regularly had according to law, contracts have been let for the following improvement in the City of Wichita, Kansas: construction of SWS No. 676 TO SERVE REMINGTON PLACE ADDITION, South of 21st St. North, East of Webb, (468-84933/485-415) and such contracts have been duly performed, and

WHEREAS, the Governing Body has determined that the total cost of such improvement is \$45,700.00 and that \$45,700.00 be assessed against the improvement district, \$0 be paid by the City at Large and \$0 be paid by the Sewer Utility Fund, and \$0 to be paid by the Storm Water Utility Fund, and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Special assessments to pay the cost of said improvement as authorized by Resolution No. 14-056, adopted February 25, 2014 and published March 07, 2014, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as follows:

SECTION 2. The amounts so levied and assessed as set forth in the foregoing Section 1 shall be due and payable from and after the date hereof at the Debt Management Section of the Finance Department. The owners of the properties will be given a period until 5:00 o'clock p.m. on **June 15, 2015**, during which the special assessments may be paid and the lien against the property for which the special assessment is paid shall thereupon be discharged and satisfied.

SECTION 3. That payment of said assessments may indefinitely be deferred against those property owners eligible for such deferral as provided in City of Wichita Ordinance No. 43-977.

SECTION 4. For any portion of the assessments which are not paid by the above specified date and time, general obligation bonds of the City, payable in installments over a period of not to exceed **fifteen (15) years** will be issued as provided by K.S.A. 12-6a14 (c), and the principal amount of the unpaid assessments, together with interest on the unpaid principal balance thereof at a rate to be determined by the Governing Body (such rate not to exceed the maximum rate allowed by K.S.A. 10-1009, as amended) will be certified to the County Clerk of Sedgwick County, Kansas, for the aforesaid number of years, and will be levied against the property liable therefore in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made for the year **2016**.

SECTION 5. This ordinance shall take effect and be in force as of and on **May 15, 2015** after its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas this **12<sup>th</sup> day of May 2015**.

Signed by the Mayor

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Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk  
(Seal)

APPROVED AS TO FORM:

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Sharon L. Dickgrafe, Interim City Attorney and Director of Law

City of Wichita  
City Council Meeting  
May 5, 2015

**TO:** Mayor and City Council

**SUBJECT:** 2015-2016 Second Program Year Action Plan

**INITIATED BY:** Housing and Community Services Department

**AGENDA:** New Business

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**Recommendation:** Close the public hearing and authorize the submission of the 2015-2016 Second Program Year Action Plan to the U.S. Department of Housing and Urban Development (HUD).

**Background:** Wichita is recognized as an “entitlement” city by the U.S. Department of Housing and Urban Development (HUD). This is based on a federal formula which considers total population, the number of persons below the poverty level, the number of overcrowded housing units, the age of housing and the population growth lag. In order to receive federal funds under the Community Development program, entitlement cities must complete and submit a multi-year Consolidated Plan for HUD approval. Following approval, cities submit one year action plans for each year of the Consolidated Plan. The second year of the 2014-2018 Consolidated Plan will cover the period of July 1, 2015 to June 30, 2016.

On February 10, 2015, HUD announced the following 2015-2016 award amounts: Community Development Block Grant (CDBG) \$2,632,870; HOME Investments Partnerships Program (HOME) \$1,107,844; and Emergency Solutions Grant (ESG) \$238,807. On March 3, 2015, the City Council approved the preliminary draft of the 2015-16 Second Program Year Action Plan for allocation of these amounts and authorized the required 30-day public comment period for the proposed Plan.

Following that action, a summary draft of the proposed Second Program Year Action Plan was made available for public review and comment at all of the Neighborhood Resource Centers, the central and selected branch libraries, and City Hall. A complete draft of the plan was available for review at the Housing and Community Services Department office, and online at the City web site. No comments were received.

**Analysis:** Following is a summary of the 2015-16 Second Program Year spending plan:

**Community Development Block Grant**

**Capital Projects/Demolition:** \$0

Funds have been used to demolish properties which have been cited by staff in the Metropolitan Area Building and Construction Department. However, no funding is recommended as a result of the continued reduction in CDBG funding.

**Housing Projects:** \$1,129,251

Funds will pay for home repair programs for income eligible homeowners, including the annual free paint program. Of this amount, \$1,084,590 is from the annual allocation, and \$44,661 will come from prior year unallocated funds, which were received as program income or recaptured funds.

City Manager's Office-Office of Community Engagement: \$385,000

Funds will pay for salaries and benefits for three community liaisons and administrative aides in Districts 1, 3, and 6, and eligible operational costs at the Resource Centers.

Housing and Community Services: \$68,500

Funds will pay for Housing First program staff salaries, benefits and operational costs. This activity will also utilize a portion of the ESG administrative allocation to fully fund costs.

Women's Shelter Services: \$250,000

Purpose: to provide temporary shelter, counseling and other support services for women and children who are fleeing domestic violence situations. Funds will serve approximately 550 women and children.

Agency	2014-15 Allocation	2015-16 Request	2015-16 Recommendation
Catholic Charities	\$96,745	\$96,936	\$96,936
StepStone, Inc.	\$23,433	\$23,000	\$23,000
The Restoration Center, Inc.	0	\$60,000	0
YWCA	\$129,822	\$141,617	\$130,064
<b>TOTAL</b>	<b>\$250,000</b>	<b>\$321,553</b>	<b>\$250,000</b>

Youth Crime Prevention and Enrichment: \$125,000

Purpose: to engage middle school age youth with identified risk factors in activities that will prevent crime and enrich their lives. Funds will serve approximately 4,350 income-eligible youth.

Agency	2014-15 Allocation	2015-16 Request	2015-16 Recommendation
Mental Health Association of South Central Kansas	0	\$69,918	0
Rainbows United	\$21,910	\$21,576	0
The Restoration/Knox Center, Inc.	0	\$44,280	0
YMCA	\$103,090	\$125,000	\$125,000
<b>TOTAL</b>	<b>\$125,000</b>	<b>\$260,774</b>	<b>\$125,000</b>

Summer Youth Employment: \$225,000

Purpose: Funds will pay for The Way to Work summer youth employment program administered by the Housing and Community Services Department. The program serves youth ages 14-15 who either live in Public Housing units or are in households, which receive rental assistance through the Section 8 Housing Choice Voucher program. With these funds, the 2015-16 program will serve up to 100 youth and provide job readiness and financial literacy training, as well as paid summer employment. Since the full summer employment dates cross two program years, funding will be used from both years to complete the program.

Agency	2014-15 Allocation	2015-16 Recommendation
The Way to Work	\$250,000	\$225,000
YMCA	\$25,000	0
<b>TOTAL</b>	<b>\$275,000*</b>	<b>\$225,000</b>

\*This total includes \$50,000 prior year unallocated funds

Program Administration: \$494,780

Purpose: HUD allows up to 20% of the entitlement grant to be used for Program Administration, which includes reasonable costs associated with general management, oversight, coordination, monitoring and evaluation. In 2015-16, HCSD staff will assume responsibility for the Mandated Consolidated Plan Activities (Environmental Reviews). The Program Management Allocation in the proposed budget includes costs for this activity. The proposed amount is less than the 20% cap.

<b>Category</b>	<b>2014-2015 Allocation</b>	<b>2015-16 Recommendation</b>
Indirect Costs	\$84,124	\$89,780
Program Management	\$369,485	\$400,000
Fair Housing Initiatives	\$5,000	\$5,000
Mandated Consolidated Plan Activities	\$25,000	0
<b>TOTAL</b>	<b>\$483,609</b>	<b>\$494,780</b>

### **HOME Investment Partnerships Program**

HUD requires that a minimum of 15% of the HOME allocation be designated (set aside) for Community Housing Development Organizations (CHDOs).

<b>Agency</b>	<b>2014-15 Allocation</b>	<b>2015-16 Request</b>	<b>2015-16 Recommendation</b>
Mennonite Housing Services	\$186,900	\$190,000	\$190,000
Power CDC	0	\$140,754	\$93,836
Unallocated	80,059	n/a	
<b>TOTAL</b>	<b>\$266,959</b>	<b>\$330,754</b>	<b>\$283,836</b>

#### Program Administration and Indirect Costs: \$110,784

Up to 10% of the City's HOME allocation can be used to offset costs of administering the program, including indirect costs. Indirect costs are computed by applying the applicable percentage to the amount of the anticipated annual grant.

#### CHDO Operating Expenses: \$50,000

These funds are consistent with prior year allocations and are provided to help eligible CHDOs cover operating expenses.

#### HOMEownership 80: \$288,224

The downpayment and closing cost recommendation is based on anticipated new and existing home sales in the 2015-2016 program year. This allocation amount will serve approximately 14 homebuyers.

#### Boarded Up House Program: \$125,000

This recommendation will provide funding for two projects, which includes acquisition, demolition and re-construction on site.

#### Housing Development Loan Program: \$250,000

These funds are used by non-profit or for-profit developers, for in-fill housing in the City-designated Redevelopment Incentive, Neighborhood Revitalization or Local Investment Areas.

#### Deferred Loan Program: \$0

The Deferred Loan funds are used to rehabilitate owner-occupied houses. Due to the reduction in HOME funding, this activity is not recommended for funding in the coming year.

### **Emergency Solutions Grant (ESG) Funds**

The ESG program prioritizes permanent housing solutions for the homeless or for persons at serious, imminent risk of becoming homeless, with a reduced focus on emergency shelter and street outreach. The legislation which created this program caps expenditures for shelter and outreach activities at 60% of the annual allocation. The following chart presents recommendations for shelter services which were made by the Continuum of Care Coordinating Team and accepted by the GRC. They are within the 60% cap.



<b>Agency</b>	<b>2014-15 Allocation</b>	<b>2015-16 Request</b>	<b>2015-16 Recommendation</b>
Catholic Charities – Harbor House	\$17,891	\$18,000	\$17,891
Catholic Charities – St. Anthony Family Shelter	\$21,000	\$25,000	\$25,000
Inter-Faith Ministries – Inter-Faith Inn	\$18,100	\$18,100	\$17,195
Inter-Faith Ministries – Warming Souls Winter Shelter	\$6,724	\$6,800	\$6,724
The Salvation Army	\$21,000	\$25,000	\$12,305
United Methodist Open Door	\$29,400	\$35,000	\$35,000
YWCA Women’s Crisis Center	\$21,051	\$22,020	\$21,051
<b>Total</b>	<b>\$135,166</b>	<b>\$149,920</b>	<b>\$135,166</b>

Other ESG recommendations include \$21,105 for Homeless Prevention, \$63,315 for Rapid Re-Housing, \$1,311 for administration of the Homeless Management Information System by the United Way, and \$17,910 for the City’s program management costs.

**Financial Consideration:** Development of a Second Year Action Plan is required for receipt of Federal funds. No General funds are involved with this planning activity.

**Legal Consideration:** The Law Department has reviewed the 2015-2016 Second Program Year Action Plan Funding Recommendations, and approved as to form.

**Recommendation/Actions:** It is recommended that the City Council close the public hearing, authorize the submission of the 2015-2016 Second Program Year Action Plan to the U.S. Department of Housing and Urban Development (HUD), and authorize the necessary signatures on all required documents, certifications, contracts and funding agreements.

**Attachments:**  
2015-2016 Second Program Year Allocation Spreadsheet

2015-2016 ALLOCATION RECOMMENDATIONS, May 5, 2015																			
<b>COMMUNITY DEVELOPMENT BLOCK GRANT Capital Projects/Demolition</b>										<b>2012-13 COUNCIL ALLOCATION</b>	<b>2013-14 COUNCIL ALLOCATION</b>	<b>2014-15 COUNCIL ALLOCATION</b>	<b>2015-16 RECOMMENDATION</b>						
<b>Public Works &amp; Utilities</b>										\$75,000	\$75,000	\$0	\$0						
Street or Sidewalk Repair																			
Amount from Annual Allocation											\$0	\$0	\$0						
Amount from Prior Year Unallocated											\$75,000	\$0	\$0						
<b>Metropolitan Area Building &amp; Construction Department</b>										\$100,000	\$90,000	\$0	\$0						
Demolition and Clearance of Dangerous and Unsafe Buildings																			
<b>Total - Capital Projects</b>										<b>\$175,000</b>	<b>\$165,000</b>	<b>\$0</b>	<b>\$0</b>						
*This amount from prior year unallocated funds																			
<b>COMMUNITY DEVELOPMENT BLOCK GRANT Housing Activities</b>										<b>2012-13 COUNCIL ALLOCATION</b>	<b>2013-14 COUNCIL ALLOCATION</b>	<b>2014-15 COUNCIL ALLOCATION</b>	<b>2015-16 RECOMMENDATION</b>						
Neighborhood Clean-ups										\$50,000	\$19,420	\$0	\$0						
<b>Housing and Community Services</b>																			
- Staff and Administration: Responsible for the application process, eligibility determination, inspections, preparation of specifications, document preparation, accounts payable functions, internal cost estimates, and lead-based paint clearance inspections for all CDBG-funded Home Repair Program activities, as well as site inspections for HOME-funded and ESG-funded housing activities. Administers existing revolving loan programs, including the Historic Revolving Loan Program, the Historic Deferred Loan Program, the Home Improvement Loan Program, and the Rental Rehabilitation Program. Including the servicing functions related to over 5,000 loans in the existing loan portfolio.										\$369,091	\$369,091	\$389,000	\$389,000						
- Home Repair										\$546,222	\$758,984	\$753,000	\$740,251	*					
- Rental Housing Loan Program										\$0	\$0	\$0	\$0						
<b>Total - Housing Projects</b>										<b>\$965,313</b>	<b>\$1,147,495</b>	<b>\$1,142,000</b>	<b>\$1,129,251</b>	**					
* This amount includes \$44,661 unallocated from prior year funds																			
** This total includes unallocated funds																			
<b>COMMUNITY DEVELOPMENT BLOCK GRANT Neighborhood Stabilization</b>										<b>2012-13 COUNCIL ALLOCATION</b>	<b>2013-14 COUNCIL ALLOCATION</b>	<b>2014-15 COUNCIL ALLOCATION</b>	<b>2015-16 RECOMMENDATION</b>						
<b>Funds Available for Reallocation</b>										\$0	\$0	\$532,020	\$0						
- DI Glen Dey Park Improvements												\$50,000							
- DI Sidewalk Replacements												\$35,000							
- DIII Friendship Park Improvements												\$80,000							
- DIV Street Paving												\$367,020							
<b>Total - Neighborhood Initiatives</b>										<b>\$0</b>	<b>\$0</b>	<b>\$532,020</b>	<b>\$0</b>						
*This amount from prior year unallocated funds																			

2015-2016 ALLOCATION RECOMMENDATIONS, May 5, 2015									
COMMUNITY DEVELOPMENT BLOCK GRANT Public Services - CAP is \$1,163,310		2012-13 COUNCIL ALLOCATION		2013-14 COUNCIL ALLOCATION		2014-15 COUNCIL ALLOCATION		2015-16 RECOMMENDATION	
City Manager's Office Total Allocation									
- Office of Community Engagement		\$331,757		\$428,626		\$385,000		\$385,000	
Amount from Annual Allocation		\$331,757		\$428,626		\$0			
Amount from Prior Year Unallocated		\$0		\$0		\$0			
Neighborhood Services Supervisor		\$0		\$0		\$0			
Atwater		\$0		\$110,591		\$0			
Colvin		\$0		\$122,898		\$0			
Evergreen		\$0		\$83,531		\$0			
Stanley		\$0		\$111,606		\$0			
Housing and Community Services		\$118,593		\$78,593		\$68,500		\$68,500	
- Housing First Project Coordinator		\$68,593		\$78,593		\$68,500		\$68,500	
- Job Training		\$50,000		\$0		\$0		\$0	
Women's Services		\$275,000		\$275,000		\$250,000		\$250,000	
- Catholic Charities, Inc. - Harbor House		\$110,000		\$105,036		\$96,745		\$96,936	
- StepStone, Inc. Counseling and Support Groups		\$26,000		\$26,000		\$23,433		\$23,000	
- YWCA of Wichita - Women's Crisis Center/Safehouse		\$139,000		\$143,964		\$129,822		\$130,064	
Youth Crime Prevention and Enrichment		\$125,000		\$125,000		\$125,000		\$125,000	
-YMCA - Middle School After School		\$104,000		\$101,907		\$103,090		\$125,000	
- BBBs Leaders, Achievers, and Winners (LAW) Camp		\$0		\$0		\$0		\$0	
- Boys & Girls Clubs		\$0		\$0		\$0		\$0	
- Hope Street		\$0		\$0		\$0		\$0	
- Rainbows United		\$21,000		\$23,093		\$21,910		\$0	
- Urban League		\$0		\$0		\$0		\$0	
- Wichita Dream Center		\$0		\$0		\$0		\$0	
Training and Employment		\$139,095	**	\$188,177		\$275,000		\$225,000	
Amount from Annual Allocation		\$139,095		\$146,650		\$225,000		\$225,000	
Amount from Prior Year Unallocated		\$0		\$41,527	*	\$50,000	*	\$0	
- The Way to Work Youth Employment		\$0		\$146,650		\$225,000		\$225,000	
- TBD		\$0		\$0		\$25,000		\$0	
- YMCA - Job Prep		\$0		\$41,527	*	\$25,000		\$0	
Total - Public Services		\$989,445	**	\$1,095,396	**	\$1,103,500		\$1,053,500	
* From prior year unallocated funds									
** This total includes unallocated funds									
COMMUNITY DEVELOPMENT BLOCK GRANT Program Administration - CAP is 20% of annual allocation		2012-13 COUNCIL ALLOCATION		2013-14 COUNCIL ALLOCATION		2014-15 COUNCIL ALLOCATION		2015-16 RECOMMENDATION	
Housing and Community Services		\$414,993		\$464,511		\$458,609		\$494,780	
- CDBG Indirect Costs		\$54,993		\$59,511		\$84,124		\$89,780	
- CDBG Program Management Total Allocation		\$355,000		\$400,000		\$369,485		\$400,000	
- Fair Housing Initiatives		\$5,000		\$5,000		\$5,000		\$5,000	
Planning Department		\$25,000		\$25,000		\$25,000		\$0	
- Mandated Consolidated Plan Activities									
Total - Planning and Admin.		\$439,993		\$489,511		\$483,609		\$494,780	
UNALLOCATED TOTAL		\$0		\$116,527		\$582,020		\$44,661	
ANNUAL ALLOCATION - CDBG		\$2,569,751		\$2,780,875		\$2,679,109		\$2,632,870	
GRAND TOTAL - CDBG		\$2,569,751		\$2,897,402		\$3,261,129		\$2,677,531	

2015-2016 ALLOCATION RECOMMENDATIONS, May 5, 2015						
HOME INVESTMENT PARTNERSHIPS PROGRAM HOME Activities		2012-13 COUNCIL ALLOCATION	2013-14 COUNCIL ALLOCATION	2014-15 COUNCIL ALLOCATION	2015-16 RECOMMENDATION	
HOME Investment Partnerships Administration		\$107,518	\$104,740	\$108,523	\$98,709	
HOME Indirect Costs		\$15,010	\$18,050	\$15,362	\$12,075	
HOME Operating Funds for CHDO's		\$50,000	\$50,000	\$50,000	\$50,000	
Operating Funds-Power CDC						
Operating Funds-MHRS						
HOMEownership 80 Program		\$429,286	\$383,014	\$319,972	\$288,224	
Boarded-up House Program		\$100,000	\$100,000	\$125,000	\$125,000	
Housing Development Loan Program		\$235,000	\$147,637	\$250,000	\$250,000	
Deferred Loan Program		\$0	\$157,506	\$70,000	\$0	
Total HOME Projects		\$936,814	\$960,947	\$938,857	\$824,008	
HOME INVESTMENT PARTNERSHIPS PROGRAM CHDO Set Aside Projects		2012-13 COUNCIL ALLOCATION	2013-14 COUNCIL ALLOCATION	2014-15 COUNCIL ALLOCATION	2015-16 RECOMMENDATION	
CHDO Set Aside - Total Allocation		\$288,461	\$266,959	\$300,000	\$283,836	
Amount from Annual Allocation		\$288,461	\$266,959	\$300,000	\$283,836	
Amount from Prior Year Unallocated		\$0	\$0	\$0	\$0	
Mennonite Housing Rehab Services (MHRS) - Single Family Home Development		\$149,270	\$175,000	\$186,900	\$190,000	
Power CDC - Single Family Home Development		\$130,730	\$91,959	\$0	\$93,836	
Universal Design		\$8,461	\$0	\$0	\$0	
Unallocated CHDO Set Aside Funding		\$0	\$0	\$113,100	\$0	
Total CHDO Set Aside Projects		\$288,461	\$266,959	\$300,000	\$283,836	
Subtotal - HOME & CHDO Set Aside Projects						
*This amount includes \$39,049.22 re-allocated from prior year unspent CHDO funds						
UNALLOCATED TOTAL		\$0	\$0	\$0	\$0	
ANNUAL ALLOCATION - HOME		\$1,225,275	\$1,227,906	\$1,238,857	\$1,107,844	
GRAND TOTAL - HOME		\$1,225,275	\$1,227,906	\$1,238,857	\$1,107,844	

2015-2016 ALLOCATION RECOMMENDATIONS, May 5, 2015																			
EMERGENCY SOLUTIONS GRANT		2012-2013 COUNCIL ALLOCATION		2013-14 COUNCIL ALLOCATION		2014-15 COUNCIL ALLOCATION		2015-16 RECOMMENDATION											
Emergency Solutions Grant - Final Allocation		\$223,388		\$187,471		\$225,915		\$238,807											
Homeless Assistance Maximum Allocation (60%)		\$133,159		\$112,483		\$135,549		\$135,549											
Emergency Shelter		\$133,159		\$112,100		\$135,166		\$135,166											
Catholic Charities - Harbor House		\$15,000		\$12,600		\$17,891		\$17,891											
Catholic Charities - St. Anthony Family Shelter		\$25,000		\$21,000		\$21,000		\$25,000											
Inter-Faith Ministries - Inter-Faith Inn		\$21,500		\$18,100		\$18,100		\$17,195											
The Salvation Army - Homeless Services		\$25,000		\$21,000		\$21,000		\$12,305											
United Methodist Open Door - Homeless Resource Center		\$35,000		\$29,400		\$29,400		\$35,000											
YWCA Women's Crisis Center		\$11,659		\$10,000		\$21,051		\$21,051											
Inter-Faith Ministries - Warming Souls Winter Shelter		\$0		\$0		\$6,724		\$6,724											
Homeless Prevention & Rapid Re-Housing		\$69,975		\$60,928		\$72,494		\$84,420											
Homelessness Prevention		\$28,535		\$15,232		\$18,124		\$21,105											
Center of Hope - Rent Assistance		\$28,535		\$15,232		\$18,124		\$21,105											
Rapid Re-Housing		\$41,440		\$45,696		\$54,370		\$63,315											
City of Wichita - Housing and Community Services		\$41,440		\$45,696		\$54,370		\$63,315											
Homeless Management Information System (HMIS)		\$3,500		\$383		\$1,311		\$1,311											
United Way of the Plains		\$3,500		\$383		\$1,311		\$0											
Administration - Maximum Allocation (7.5% of total Award)		\$16,754		\$14,060		\$16,944		\$17,910											
- Housing & Community Services Department - ESG Administration		\$11,169		\$9,373		\$11,296		\$0											
- City Indirect Cost		\$5,585		\$4,687		\$5,648		\$0											
<b>TOTAL EMERGENCY SOLUTIONS GRANT</b>		<b>\$223,388</b>		<b>\$187,471</b>		<b>\$225,915</b>		<b>\$238,807</b>											
<b>GRAND TOTAL</b>		<b>\$223,388</b>		<b>\$187,471</b>		<b>\$225,915</b>		<b>\$238,807</b>											

2013-2014 CONSOLIDATED PLAN ALLOCATION COUNCIL REVISED RECOMMENDATIONS 8-20-13									
ESG PROJECTS									
	EMERGENCY SHELTER GRANT	2010-2011 COUNCIL ALLOCATION	2011-2012 COUNCIL ALLOCATION	2012-13 RECOMMENDATION*	2013-14 COUNCIL APPROVAL 5-14-13	2013-14 COUNCIL ALLOCATION			
RFP	Emergency Shelter Grant - Final Allocation	\$125,133	\$124,982	\$0	\$0	\$0			
	Essential Services - Maximum Allocation (30%)	\$37,540	\$32,286	\$0	\$0	\$0			
	- Catholic Charities - Anthony Family Shelter	\$6,238	\$6,277	\$0	\$0	\$0			
	- Inter-Faith Ministries - Inter-Faith Inn	\$0	\$869	\$0	\$0	\$0			
	- Inter-Faith Ministries - Safe Haven	\$1,046	\$0	\$0	\$0	\$0			
	- Salvation Army - Emergency Lodge	\$0	\$0	\$0	\$0	\$0			
	- United Methodist Open Door	\$30,256	\$25,140	\$0	\$0	\$0			
RFP	Maintenance and Operations	\$81,463	\$66,591	\$0	\$0	\$0			
	- Catholic Charities - Anthony Family Shelter	\$23,530	\$18,457	\$0	\$0	\$0			
	- Catholic Charities - Harbor House	\$10,678	\$8,870	\$0	\$0	\$0			
	- Inter-Faith Ministries - Inter-Faith Inn	\$23,410	\$19,451	\$0	\$0	\$0			
	- Inter-Faith Ministries - Safe Haven	\$0	\$0	\$0	\$0	\$0			
	- Salvation Army - Emergency Lodge	\$19,552	\$16,246	\$0	\$0	\$0			
	- YWCA - Women's Crisis Center	\$4,293	\$3,567	\$0	\$0	\$0			
RFP	Homeless Prevention - Maximum Allocation (30%)	\$0	\$20,000	\$0	\$0	\$0			
	- Center of Hope - Rent Assistance	\$0	\$20,000	\$0	\$0	\$0			
	Administration - Maximum Allocation (5%)	\$6,130	\$6,105	\$0	\$0	\$0			
	- Housing & Community Services Department - ESG Administration	\$6,130	\$4,730	\$0	\$0	\$0			
	- City Indirect Cost	\$0	\$1,375	\$0	\$0	\$0			
	TOTAL EMERGENCY SHELTER GRANT	\$125,133	\$124,982	\$0	\$0	\$0			
	*Includes \$29 unspent prior year funds								
PO #	EMERGENCY SOLUTIONS GRANT	2010-2011 COUNCIL ALLOCATION	2011-2012 COUNCIL ALLOCATION	2012-2013 COUNCIL ALLOCATION	2013-14 REVISED RECOMMENDATION	2013-14 COUNCIL ALLOCATION			
RFP	Emergency Solutions Grant - Final Allocation	\$0	\$70,331	\$223,388	\$187,471	\$187,471			
	Homeless Assistance Maximum Allocation (60%)	\$0	\$20,126	\$133,159	\$112,483	\$112,483			
	Emergency Shelter				TBD	\$112,100			
PO340709	Catholic Charities - Harbor House	\$0	\$15,125	\$15,000	\$0	\$12,600			
PO340710	Catholic Charities - St. Anthony Family Shelter	\$0	\$0	\$25,000	\$0	\$21,000			
PO340711	Inter-Faith Ministries - Inter-Faith Inn	\$0	\$0	\$21,500	\$0	\$18,100			
	The Salvation Army - Homeless Services	\$0	\$0	\$25,000	\$0	\$21,000			
PO340713	United Methodist Open Door - Homeless Resource Center	\$0	\$0	\$35,000	\$0	\$29,400			
PO340712	YWCA Women's Crisis Center	\$0	\$5,001	\$11,659	\$0	\$10,000			
	Homeless Prevention & Rapid Re-Housing		\$41,029	\$69,975	\$60,928	\$60,928			
	Homelessness Prevention	\$0	\$24,629	\$43,535	TBD	TBD			
PO340728	Center of Hope - Rent Assistance	\$0	\$24,629	\$43,535					
	Rapid Re-Housing	\$0	\$16,400	\$26,440	TBD	TBD			
	City of Wichita - Housing and Community Services	\$0	\$16,400	\$26,440					
	Homeless Management Information System (HMIS)	\$0	\$635	\$3,500	TBD	\$383			
	United Way of the Plains	\$0	\$635	\$3,500		\$383			
	Administration - Maximum Allocation (7.5% of total Award)	\$0	\$8,541	\$16,754	\$14,060	\$14,060			
	- Housing & Community Services Department - ESG Administration		\$5,026	\$11,169	\$9,373	\$9,373			
	- City Indirect Cost		\$3,515	\$5,585	\$4,687	\$4,687			
	TOTAL EMERGENCY SOLUTIONS GRANT	\$0	\$70,331	\$223,388	\$187,471	\$187,471			
	GRAND TOTAL	\$125,133	\$195,313	\$223,388	\$187,471	\$187,471			

City of Wichita  
City Council Meeting  
May 5, 2015

**TO:** Mayor and City Council

**SUBJECT:** Together Wichita Donation of K-96 Bike Path Wayfinding Signs  
(Districts I and II)

**INITIATED BY:** Department of Park and Recreation

**AGENDA:** New Business

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**Recommendation:** Accept the donation and approve the Memorandum of Understanding.

**Background:** Together Wichita is a group of local businesses that have teamed together to organize and fund several projects aimed at celebrating Wichita and serving the people who call Wichita home. The Together Wichita team members/sponsors include the Wichita Eagle, Intrust Bank, Armstrong Chamberlin Strategic Marketing, Westar Energy and others. Recent projects include the Memory Park at Sedgwick County Park, the Keepers on Parade public art project and the “I Live Here, I Love It” chalkboard ad campaign.

In 2014, Together Wichita identified the K-96 bike path as a location where the group could add Wayfinding signage to help riders, runners and walkers navigate the path. Since May of 2014, the group has partnered with the City to understand the needs and regulations. Several designs were developed and presented to the Board of Park Commissioners on July 14, 2014, the Design Development Council on August 20, 2014, and the Wichita Bicycle and Pedestrian Advisory Board on November 10, 2014. Based on recommendations and feedback from each presentation, a single design was selected and refined (Attachment “A”).

**Analysis:** Together Wichita would like to have the Wayfinding signs manufactured and installed at their expense along the K-96 bike path from Dr. Glen Dey Park to 127<sup>th</sup> Street East (see map, Attachment “B”). If accepted, it is anticipated that the improvements would be constructed beginning early summer.

**Financial Considerations:** Together Wichita will provide the funds for sign manufacturing and installation per a Memorandum of Understanding (Attachment “C”). No City funds will be used for these improvements. The Together Wichita group will also work with the Park Foundation to create a fund for ongoing maintenance of the signs, separate from this agreement.

**Legal Considerations:** The Law Department has approved the Memorandum of Understanding as to form.

**Recommendation/Action:** It is recommended that the City Council accept the donation, approve the Memorandum of Understanding and authorize all necessary signatures.

**Attachments:** Sign design (Attachment “A”), sign location map (Attachment “B”), Memorandum of Understanding (Attachment “C”).

**MEMORANDUM OF UNDERSTANDING**

**By and between**

**THE DEPARTMENT OF PARK AND RECREATION,**

**CITY OF WICHITA, KANSAS**

**and**

**TOGETHER WICHITA**

This Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between the Department of Park and Recreation, City of Wichita, Kansas (“The City”) and Together Wichita (“TW”).

WITNESSETH:

Whereas TW has worked with The City to design and develop Wayfinding signs for the K-96 Bike Path from Dr. Glen Dey Park to 127<sup>th</sup> Street East; and

Whereas TW is working with The City to manufacture and install said signs; and

Whereas TW wishes to donate labor, materials and installation services towards said signage system;

NOW THEREFORE, the parties do mutually agree as follows:

1. TW agrees to provide the following improvements: Labor, materials and installation services for Wayfinding signs along the K-96 Bike Path from Dr. Glen Dey Park to 127<sup>th</sup> Street East.
2. The City agrees to accept said improvements and provide necessary maintenance, in accordance with an agreement between TW and the Wichita Parks Foundation.



**TOGETHER WICHITA**

\_\_\_\_\_  
Ben Jennings, Project Manager 2015

\_\_\_\_\_  
Date

**CITY OF WICHITA, KANSAS**

\_\_\_\_\_  
Jeff Longwell, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Troy Houtman, CPRE, Director  
Department of Park and Recreation

\_\_\_\_\_  
Date

**APPROVED AS TO FORM:**

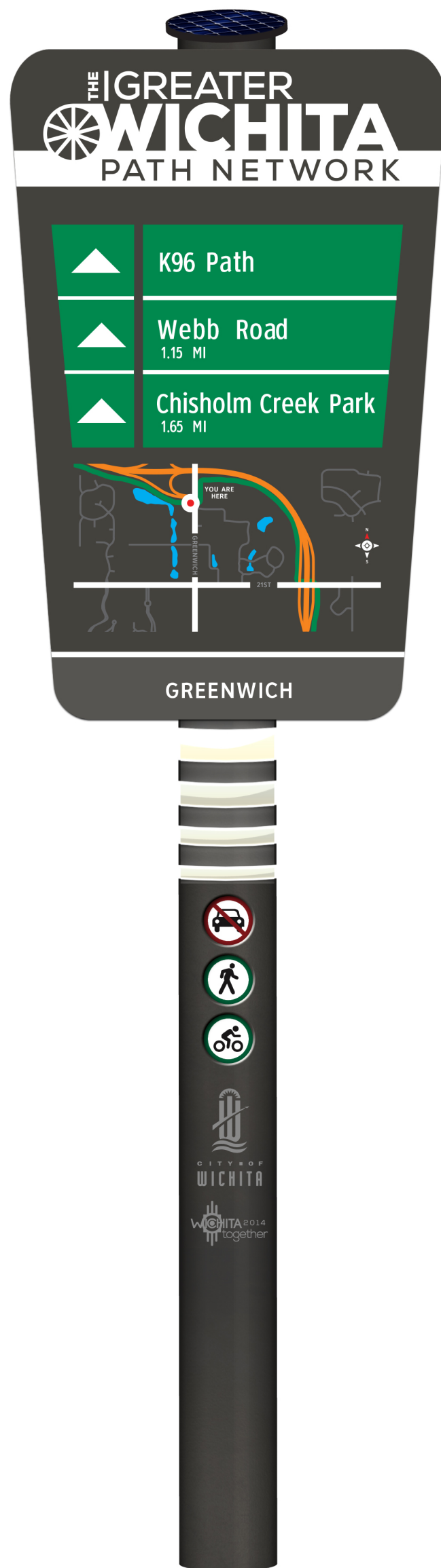
\_\_\_\_\_  
Sharon L. Dickgrafe,  
Interim City Attorney

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
Karen Sublett, City Clerk

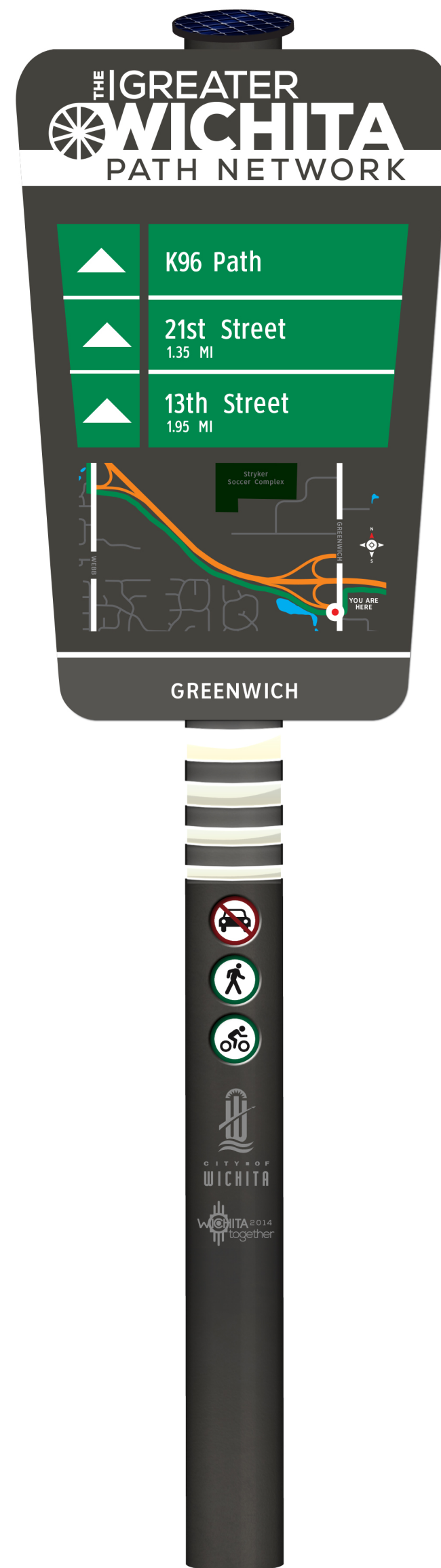
\_\_\_\_\_  
Date



SIDE A



SIDE VIEW



SIDE B



WAYFINDING



City of Wichita  
City Council Meeting  
May 5, 2015

**TO:** Mayor and City Council

**SUBJECT:** Community Event Resolution, Plaza Mexico Cinco de Mayo (District VI)

**INITIATED BY:** Division of Arts & Cultural Services

**AGENDA:** New Business

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**Recommendation:** Adopt the Resolution to authorize a use not allowed by the Wichita-Sedgwick County Unified Zoning Code (UZC) at the Plaza Mexico Cinco de Mayo event.

**Background:** A Community Event Application has been submitted for the Plaza Mexico Cinco de Mayo event occurring for a total of eight days between May 21 and May 31, 2015. The promoter of the event has requested the event last eight days to best serve the identified needs of the community. The proposed event site at 808 W. 25<sup>th</sup> Street North does not meet the requirements of the UZC because its location is within Limited Commercial zoning. The provisions of Article III, Section b.14.e (4) of the UZC limits events occurring within this zoning classification to the equivalent of two days in duration. Section 3.11.090(h) of the Code of the City of Wichita provides that a proposed Community Event may not violate any law of the City of Wichita; however, a use not allowed by the UZC and the Community Event permit may be approved by the City Council after a public hearing. A use not allowed by the UZC may be permitted for a duration not exceeding a total of 10 calendar days. In accordance with the City Code, a resolution is required authorizing the proposed noncompliant use and approving the permit for the Community Event. Upon the close of the public hearing and review of the application for the Community Event with consideration of the factors set forth in Section 3.11.080 of the Code of the City of Wichita, the Council shall determine if approval for the use not allowed and permit for the Community Event should be given.

**Analysis:** Staff has reviewed the application for the Community Event with the proposed use not allowed by the UZC, and based upon the factors set forth in Section 3.11.080 of the City Code, finds that all of the criteria set forth therein have been met.

**Financial Consideration:** The event promoter is responsible for all costs associated with the Community Event permit.

**Legal Consideration:** The Law Department has prepared the proposed Resolution and approved as to form.

**Recommendation/Actions:** It is recommended that the City Council adopt the Resolution authorizing a use not allowed by the Wichita-Sedgwick County Unified Zoning Code (UZC) at the Plaza Mexico Cinco de Mayo event occurring at 808 W. 25<sup>th</sup> Street North for a total of eight days between May 21 and May 31, 2015, and approve the permit for the Community Event.

**Attachments:** Resolution and Community Event Application for the Plaza Mexico Cinco de Mayo.

(First Published in the Wichita Eagle on May 8, 2015)

RESOLUTION NO.15-117

A RESOLUTION BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS APPROVING A COMMUNITY EVENT PERMIT APPLICATION FROM PLAZA MEXICO CINCO DE MAYO, ALLOWING A COMMUNITY EVENT TO OCCUR FOR A DURATION OF DAYS IN EXCESS OF THAT ALLOWED IN A LIMITED COMMERCIAL AREA.

WHEREAS, the City recognizes that substantial community benefits may result from community events. They can provide neighborhood outreach, cultural enrichment, promote economic vitality and enhance community identity.

WHEREAS, Plaza Mexico Cinco de Mayo has applied for a community event permit pursuant to Chapter 3.11 of the Code of the City of Wichita. Said event is proposed to occur at 808 W. 25<sup>th</sup> Street North for a total of eight (8) days between May 21 and May 31, 2015, and from 6:00 p.m. to 10:00 p.m. on weekdays and noon to 11:00 p.m. on weekends; and

WHEREAS, the proposed event will provide a cultural celebration for the residents of both the neighborhood and the city at large and will promote family-friendly entertainment in a festive and vibrant atmosphere; and

WHEREAS, the proposed event site does not meet the requirements of the Wichita-Sedgwick County Unified Zoning Code due to the event duration being longer than that allowed in a limited commercial zoning area. The extended time period for this event is desirable to accommodate both the type of the event and the anticipated number of persons attending; and

WHEREAS, pursuant to Section 3.11.090(h) of the Code of the City of Wichita, Kansas, a proposed community event may not violate any law of the City of Wichita, State of Kansas or of the United States, provided, however, a community event permit may be approved and a use not allowed by the Wichita-Sedgwick County Unified Zoning Code may be permitted to proceed

if approved by the City Council after a public hearing regarding the same and for a duration not exceeding a total of ten (10) calendar days; and

WHEREAS, the proposed event does not otherwise present a safety, noise or traffic hazard and will not create any other public safety concern in or through the area; and

WHEREAS, the proposed application on file for this event will be subject to review by the Community Event Committee pursuant to Chapter 3.11 of the Code of the City of Wichita, with no other issues anticipated which would impede such approval.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS AS FOLLOWS;

1. A public hearing having been held as required by Section 3.11.090 (h) of the Code of the City of Wichita, the community event permit shall be approved for the Plaza Mexico Cinco de Mayo event to be held for a total of eight (8) days between May 21 and May 31, 2015, from 6:00 p.m. to 10:00 p.m. on various weekdays and noon to 11:00 p.m. on weekends during this time period, which is outside the provisions of Article III, Section B.14.e(4) of the Wichita-Sedgwick Unified Zoning Code.
2. All events and activities to be held at the Plaza Mexico Cinco de Mayo site will be subject to approval by the Community Event Committee pursuant to Chapter 3.11 of the Code of the City of Wichita.
3. This resolution shall be effective upon adoption by City Council.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS,  
this 5<sup>th</sup> day of May, 2015.

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Jeff Longwell, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to form:

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Sharon L. Dickgrafe  
Interim City Attorney





## **COMMUNITY EVENT APPLICATION** **and Temporary Entertainment District Application**

Applications and applicable fees must be submitted to:

**Division of Arts & Cultural Services | 225 West Douglas | Wichita, KS 67202**  
**(W) 316-303-8630 (F) 316-858-7960 [csclark@wichita.gov](mailto:csclark@wichita.gov)**

**Completion of a Community Event Application is required when the following conditions apply:**  
*The City of Wichita defines a Community Event as follows:*

- Outdoor event on public and/or private property
- Attendance in excess of 100 persons on public property and/or 250 persons on private or park property.  
*Excludes invitation only events taking place on private property.*
- Involves a particular purpose and time.
- **If Alcoholic Liquor or Cereal Malt Beverage is to be served or sold at an event, all portions of this application necessary to either establish a Temporary Entertainment District (for alcoholic liquor) or to obtain written City Council approval (for CMB) MUST be completed.**

**Any or all conditions below may apply to a Community Event:** Some conditions may require a separate permit, which might include City Council approval. The Community Event Ordinance 3.11, Municipal Codes and Licensing applications can be accessed from [www.wichita.gov](http://www.wichita.gov) under the Business tab or by request to the Community Event Coordinator.

### **General Information:**

The City of Wichita may refuse any application received less than 45 days before the event or lacking requested information. Applications received less than 30 days, but more than 10 business days prior to the proposed event will be assessed additional fees. **NO application will be accepted LESS THAN 10 business days prior to the proposed event.** Any information required by the application must be complete upon submittal. Incomplete applications may be denied. When received, an application is subject to approval of all departments involved and will be required to provide the following:

- Application filing fee (\$25) made payable to City of Wichita.
- Licensing fee (varies) made payable to the City of Wichita.
- Street closure request (\$25.00 *if applicable*) made payable to the City of Wichita.
- Certificate of Liability Insurance naming the City of Wichita as additionally insured.
- Site plan defining the placement of alcohol point of sale, barricade locations, exit location, trash, restrooms, signage, etc.
- Security requirements including hiring of certified law enforcement officers.
- Vendor list including contact person and contact information.

**Application Date:** 4-10-15

**Event Title:** Spring Carnival - Plaza Mexico Cinco de Mayo

**Event Date(s)/Time:** May 21<sup>st</sup> - May 24<sup>th</sup> + May 28<sup>th</sup> - May 31<sup>st</sup>



Event Address for Permit: 808 W. 25<sup>th</sup> St North

Property (Circle all that apply):      Public      Park      Private

Event Promoter Name: Plaza Mexico / Toby's Carnival / Daniel Yarnell

Address: 424 E. Santa Fe Marceline, Mo 64658

Phone: ( 620 ) 235-6667      Mobile: ( 620 ) 235-6667

E-mail: danielyarnell@hotmail.com

Will Alcoholic Liquor or CMB be sold and/or served? (Circle one): Yes or No

Onsite Alcohol Supervisor Name: N/A

Address: \_\_\_\_\_

Phone: (    ) \_\_\_\_\_ Mobile: (    ) \_\_\_\_\_

E-mail: \_\_\_\_\_

Will food be sold and/or served? (Circle One): Yes or No

Food Coordinator Name: Lindsey Havard

Phone: (    ) \_\_\_\_\_ Mobile: ( 660 ) 864-7093

E-mail: Havard.Lindsey@yahoo.com



Type of Event (Circle all that apply):

Animal Exhibition Carnival Circus Concert Dance Fireworks Live Entertainment Parade  
Temporary Amusement Rides Walk/Run/Marathon Street Closure

Other \_\_\_\_\_

Attendance (circle one): Public or Private/Invitation Only

Estimated Attendance: 1500-2000 Total

Number of participants in previous years: 1000 - 1500 estimate  
(If applicable)

Will admission be charged? no  
(If yes, what amount?)

Is this event a fundraiser? yes for Plaza Mexico  
(If yes, for what organization?)

Street Closure Requested? (Circle One): Yes or No

Date(s)/Time/Location of Street Closures (or attached information): 808 W. 25th St North

<u>May 21st</u>	<u>6-10 pm</u>	<u>no street closures</u>
<u>May 22nd</u>	<u>6-10 pm</u>	
<u>May 23rd</u>	<u>noon - 11 pm</u>	
<u>May 24th</u>	<u>noon - 11 pm</u>	
<u>May 28th</u>	<u>6-10 pm</u>	
<u>May 29th</u>	<u>6-10 pm</u>	
<u>May 30th</u>	<u>noon - 11 pm</u>	
<u>May 31st</u>	<u>noon - 11 pm</u>	



Description, Website and/or Facebook Page of Event (or attached flier):

Just a local spring carnival sponsored by plaza Mexico  
Carnival Rides + Games.

I, Daniel Yarnell, the above named applicant, do solemnly swear that I have read the contents of this application and that all information and answers herein contained are completed and true. In addition, I have read and understand all rules and regulations as set out in the Code of the City of Wichita. Furthermore, I hereby agree to comply with all of the laws of the State of Kansas, and all rules and regulations prescribed by the City of Wichita and I have consent to the immediate revocation of my license, by the proper officials, for any violation of such laws, rules, or regulations.

Daniel Yarnell  
Signature of Event Applicant

4-10-15  
Date

Toby's Carnival  
Organization/Event

[Signature]  
City of Wichita Representative

4/13/2015  
Date

## **COMMUNITY EVENT CHECKLIST** **and Temporary Entertainment District Checklist**

Checklist must accompany Application and applicable fees and mail to:  
**Division of Arts & Cultural Services | 225 West Douglas | WICHITA, KS 67202**  
 (W) 316-303-8630 (F) 316-858-7960 [csclark@wichita.gov](mailto:csclark@wichita.gov)

**Completion of a Community Event Application is required when the following conditions apply:** *The City of Wichita defines a Community Event as follows:*

- Outdoor event on public and/or private property
- Attendance in excess of 100 persons on public property and/or 250 on private or park property. Excludes invitation only events taking place on private property.
- Involves a particular purpose and time.

Approval of all applicable departments is required before permit is issued. The applicant shall be required to provide certified law enforcement officers, portable restrooms, and trash service in adequate number as reasonably determined by the procedures set forth. All vendors must be properly licensed and inspected. The applicant shall also be required to obtain, place and remove signs and barricades to close streets in accordance with requirements of the City. The applicant is responsible for all costs associated with the community event.

The Community Event Ordinance 3.11, Municipal Codes and Licensing applications can be accessible from [www.wichita.gov](http://www.wichita.gov) under the Business tab or by request to the Community Event Coordinator.

### **1. Certificate of Insurance - Must accompany initial application** - *attached*

The applicant shall be required to **maintain insurance reasonably acceptable to the City covering all aspects of the event** in a minimum amount of \$500,000 public liability insurance and \$50,000 property damage insurance, in addition to other insurance as required by law. The insurance policies must include the City of Wichita and its agencies as additional insured.

### **2. Site Plan - Must accompany initial application** - *attached*

A Site Map/Plan and Event Notice **must be attached to application**. The site map/plan shall include: (1) streets requested for closure; (2) entry and exit points of event venue; (3) stage placement; (4) portable restroom locations; (5) trash receptacle locations; and, if applicable, (6) description of signage and barriers defining the area which alcoholic liquor or CMB may be consumed; (7) point of sale of alcoholic beverages; and (8) location of participating establishments.

### **3. Security Requirements - Minimum 15 day approval process** - *Never Required in the previous years*

Security requirements shall be determined in coordination with the Wichita Police Department. The applicant will be required to hire certified law enforcement officers in addition to any other security the promoter provides on the event site.

✓ in sight plan no street closures

✓ **4. Traffic Flow Plan (Section 3.11.150) – Must accompany initial application**

The plan should include any information that will impact the flow of traffic, such as requested street closures; route for parade, run/walk, or any other request. Does not include events solely on sidewalks or public rights-of-way immediately adjacent to public streets unless alcoholic beverages are to be consumed in these areas. Applicants will be required to disclose the date, street name, location, and time period for approval of requested street closures. Please attach the traffic flow plan as part of the site map/plan. Closure for any major street requires adequate street closure equipment to include signs and barricades and certified law enforcement officers, to be provided by applicant. All affected property owners are required to be notified in writing for intended street closure and a copy of such list is to be included as part of the community event application requirements.

Only temporary street markings are allowed and must be removed immediately upon completion of the event.

✓ in sight plan Dumpster multiple runs throughout

✓ **5. Trash Receptacles – Minimum 15 day approval process**

The number of trash containers shall be based upon industry standards for sanitation and public convenience and will include consideration of the type of food and packaging. Requirements will be determined on event criteria and established with contracted vendor. Trash service will include servicing during an event for four hours or more and picking up of all trash and debris during and after the event. Upon completion of the event public property shall be left in the same condition or better than received. Trash containers may be located only in areas approved on site map/plan.

✓ on site plan

✓ **6. Portable Restrooms – Minimum 15 day approval process**

The number of portable restrooms shall be based upon industry standards for sanitation and public convenience. Requirements will be determined on event criteria and established with contracted vendor. The plan must provide for service during the event if planned for four hours or more. Portable restrooms may be located only in areas approved on site map/plan.

N/A **7. Food Vendors Transient Merchant License (Chapter 3.95) - Minimum 15 day approval process**

Food vendors must be licensed and inspected through the City of Wichita. A list of vendors including contact person and contact information must be submitted with the Community Event Application.

N/A **8. Transient Merchant License (Chapter 3.95) – Minimum 15 day approval process**

Transient Merchants are described as vendors selling wares or food from 7:00 am until midnight. Each vendor is required to complete a separate Transient Merchant application including signature. A copy of current Sales Tax License from the State of Kansas or proof of exempt status must accompany application. A list of vendors including contact person and contact information must be submitted with the Community Event Application.



N/A **9. Cereal Malt Beverage and Alcoholic Liquor Licenses (Chapter 4.12, Section 4.16.070(e) and KSA 41-2645 - Minimum 45 day approval process**

The applicant shall be responsible for compliance with CMB and Alcoholic Liquor laws as well as all other laws and ordinances in the conduct of the event. Click on the "Business" tab at the top of the Home Page then click on "City of Wichita License Applications" to locate Liquor License and/or CMB license application.

N/A **10. Cereal Malt Beverage and Alcoholic Liquor Consumption Regulations (Title 10) - Minimum 45 day approval process**

The applicant and onsite supervisor (if different) shall be responsible for compliance with all regulations as set forth in Section 3.11.065 of the City Code. **Consumption of CMB or alcoholic liquor on public streets and sidewalks is only allowed when the street is closed to vehicular traffic and with written approval of the City council.**

N/A **11. Tents and Canopies (Chapter 18.36 Ordinance 41-502) - Minimum 5 day approval process**

A Permit will be required if the tent meets one of the following: The Tent has sides and is greater than 200 square feet OR is greater than 400square feet.

If a Tent Permit is required, the applicant will be required to appear in person at the Office of Central Inspection located in City Hall on the 7th floor, 455 N Main, Wichita, KS. The following information is required to obtain the permit: (1) the address where the tent will be located; (2) written permission of the property owner; (3) the size of the tent or canopy; (4) dates of erection and duration; (5) onsite contact name and contact information.

N/A **12. Parade (Chapter 3.13.020) – Minimum 10 day approval process**

Parade route diagram and/or site map/plan must be attached to the application showing formation area, starting point and termination point.

✓ **13. Temporary Amusement Ride License (Chapter 3.20) – Minimum 30 day approval process - Licensing Application on file.**

Completed application must include name of approved vendor. A current copy of certificate of inspection for each ride and applicable insurance must be on file with the City of Wichita. Placement of rides must be noted on site map/plan.

N/A **14. Fireworks License – (Chapter 15.0) Minimum 30 day approval process**

Completed application must include a copy of the Firework Operator Certificate. Applicant is required to include a site map/plan of the shooting site, fallout zone, a list of shell sizes and applicable insurance.

N/A **15. Animal Exhibition License (Chapter 3.09) – Minimum 20 day approval process.**

Completed application must include USDA animal documentation, name and address of licensed veterinarian responsible for the care of the animals and proof of liability insurance.

✓ **16. Event Times - (Municipal Code Section 3.11.155)**

Outdoor entertainment may operate 8:00 am until 11:00 pm Sunday through Thursday, 8:00 am until Midnight Friday and Saturday. The applicant shall at all times be responsible for compliance with laws and ordinances regulating the times of events.

✓ **17. Noise Level – (Chapter 7.41)**

The applicant shall be required to ensure that sound levels do not exceed that which is appropriate for the event area and its location and is in compliance with the provisions the code of the City of Wichita. The applicant will respond in a timely and effective manner to requests of the city's representatives concerning the sound level. The WPD or authorized representatives of the City shall have the authority to cancel musical performances or events for substantial or repeated violations.

✓ **18. Miscellaneous**

No excavation shall be made on public property nor objects/promotional items be placed or attached to public property except as expressly approved by permit or license. The applicant shall be required to abide by such other requirements as may be reasonable for the approval of the application.

I have read and understand the above information and regulations and accept them on behalf of the following organization.

Daniel Yarnell  
Signature of Event Applicant

4-10-15  
Date

Toby's Carnival, Inc.  
Organization/Event

[Signature]  
City of Wichita Representative

4/13/2015  
Date



**Toby's Carnival, Inc.**  
**424 East Santa Fe Ave**  
**Marceline, Mo 64658**  
**CONTRACT**

**THIS AGREEMENT** made and entered into this 17<sup>th</sup> day of March, 2015 by and between **Toby's Carnival Company**, hereinafter designated as the party of the first part, and **Plaza Mexico** hereinafter designated as the party of the second part.

**WITNESSETH:** that for in consideration of one dollar, each to the other paid, the receipt of which is hereby acknowledged, and for other considerations hereinafter specified, the party of the first part does hereby agree to exhibit **Toby's Carnival Company**, in the city of Wichita, State of Kansas, and for a period of 8 days over two consecutive weekends, starting on the date of May 21<sup>st</sup> - - May 24<sup>th</sup> & ending May 28<sup>th</sup> - May 31<sup>st</sup>, 2015 & inclusive.

**IT IS AGREED:** that this Contract is for a period of 1 year(s) starting 2015 and ending 2015 with **Toby's Carnival Company** having the option for 0 year(s) there after. That the party of the second part shall receive 10 percent from the company gross income on all rides and shows (after taxes and insurance and a \$0.00 dollar fuel allowance), also shall receive the amount of \$5.00 dollars for each concessions that is operated throughout the dates as specified herein; and for such remuneration shall furnish the following:

1. Suitable ground space where **Toby's Carnival Company** can be properly exhibited located at Plaza Mexico - 808 West 25<sup>th</sup> street North.
2. **Toby's Carnival** will pay for the city permits and license fees.
3. To furnish free of any cost to the party of the first part ample police protection, water, and furnish electric current for power necessary for travel trailers 200 amp service minimum.
4. Shall see that all advertising is properly displayed, which **Toby's Carnival Company** shall furnish.

**IT IS AGREED,** that at all times during the above engagement, all rides, shows and concessions, and which are a part of **Toby's Carnival Company**, shall remain under the sole management and jurisdiction of the party of the first part. That in case of wrecks, strikes, riots, adverse legislation, or any other acts of Providence, and which is beyond the power of the party of the first part to prevent, the party of the first part shall not be held liable for damages resulting from the non-fulfillment of this agreement and contract.

**IT IS AGREED,** that the party of the second part shall use every effort to protect the dates of this contract, by endeavoring to keep any other tented attraction (namely carnivals) from appearing in the above named city 60 days prior to the fulfillment of this agreement, and if another tented attraction does exhibit ahead of the dates set for **Toby's Carnival Company** in the above named city, the party of the first part shall have the right to use its own discretion relative to the cancellation of this contract. It is fully agreed and understood, that no other rides, shows or concessions, which are not connected directly with **Toby's Carnival Company**, shall be allowed to exhibit or operate, without the written consent of the party of the first part. Absolutely no Cotton Candy, Corn Dog or Funnel Cake stands will be booked in against **Toby's Carnival Company**, without written consent. Positively no verbal agreements will be recognized; all amendments must be in writing and become a part of this agreement and contract.

**REMARKS:**

- \*Posters to Miguel Banuelos/Plaza Mexico - 808 West 25<sup>th</sup> street North; Wichita, Ks 67204
- \*Armbands Thursday 6-10pm, Friday 6-10 pm, Saturday & Sunday 1-5 pm & 6-10 pm. \$20 per 4 hr. session

Executed in duplicate this 17<sup>th</sup> day of March, 2015

Plaza Mexico  
Party of the second part

By: \_\_\_\_\_

Toby's Carnival Company  
Party of the first part

By: Lance Yarnell

Client#: 136

TOBYSCAR

ACORD

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/09/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Haas & Wilkerson Insurance 4300 Shawnee Mission Parkway Fairway, KS 66205 913 432-4400		<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): 913 432-4400 FAX (A/C, No): E-MAIL ADDRESS:	
<b>INSURED</b> Toby's Carnival Inc.; Toby's Carnival Company Inc. PO Box 1006 Arma, KS 66712		<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A: ACE American Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		<b>NAIC #</b> 22667	

## COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC		G18202013	04/10/2015	04/10/2016	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$EXCLUDED PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				WC STATUTORY LIMITS <input type="checkbox"/> OTHER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
 Additional Insured: City of Wichita

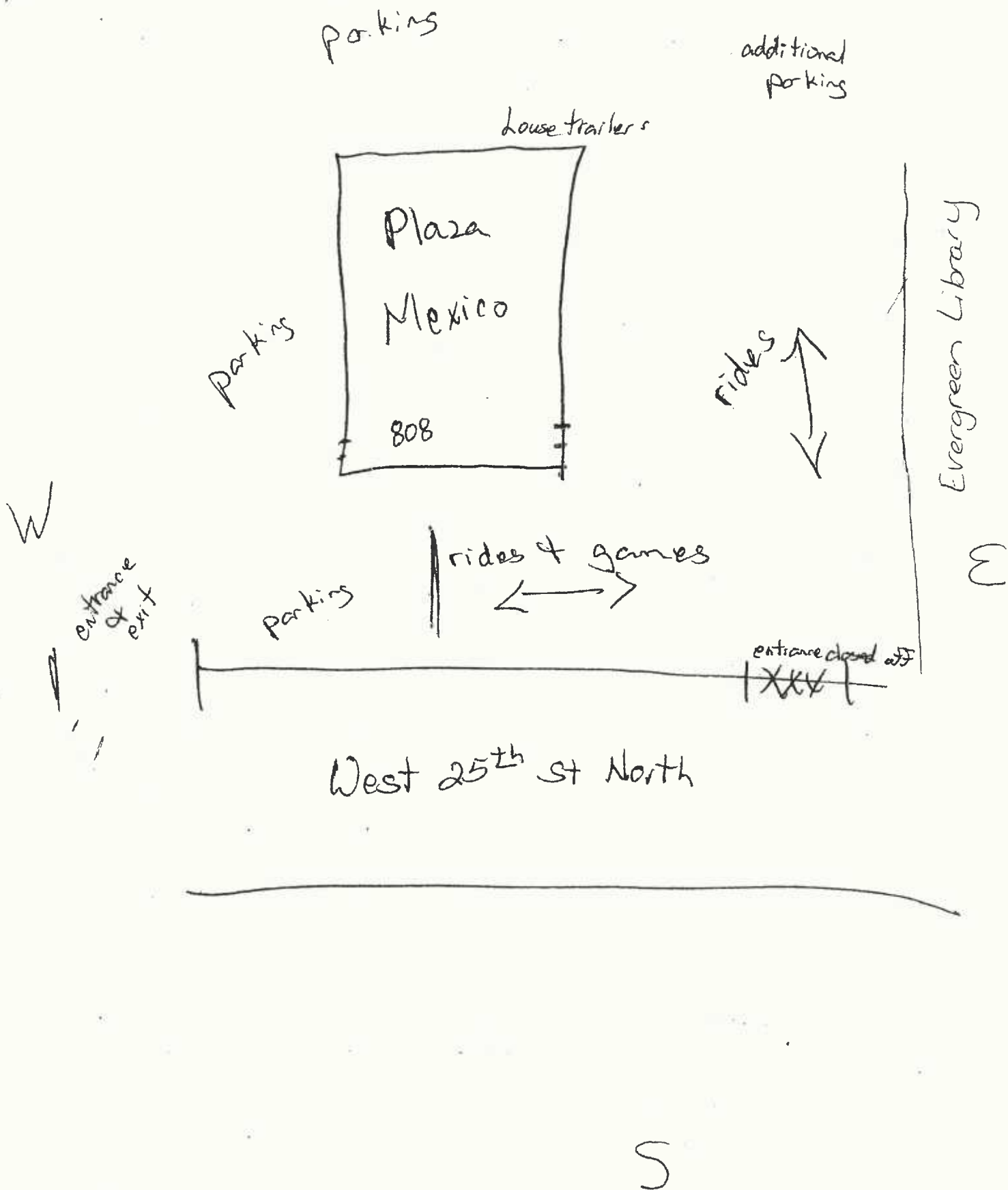
## CERTIFICATE HOLDER

## CANCELLATION

City of Wichita  
 Div of Arts & Cultural Services  
 225 W Douglas  
 Wichita, KS 67202

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE







**TOBY'S CARNIVAL, INC.**

424 E. SANTA FE AVENUE  
MARCELINE, MO 64658  
(620) 235-6667

1089

80-45-1012

PAY  
TO THE  
ORDER OF

City of Wichita

DATE 4-10-15

\$ 25. <sup>no</sup>/100

Twenty-five + <sup>no</sup>/100

DOLLARS

**usbank.** All of us serving you.

FOR

Community Event Fee



⑈001089⑈ ⑆101200453⑆ 152315485150⑈

City of Wichita  
City Council Meeting  
May 5, 2015

**TO:** Mayor and City Council

**SUBJECT:** Community Event with Alcohol Consumption – Resolution (District IV)

**INITIATED BY:** Division of Arts & Cultural Services

**AGENDA:** New Business

---

**Recommendation:** Adopt the Resolution.

**Background:** A Community Event application with alcohol consumption allowed has been submitted for Wichita Craft Beer and Food Fest, scheduled for May 16, 2015. In accordance with Sections 4.04.035(a)(2) and 3.11.065(d) of the Code of the City of Wichita and the Community Events procedure, a resolution is required authorizing consumption of alcoholic liquor on public streets, alleys or sidewalks that have been closed to motor vehicle traffic during such licensed Community Event. The City Council has approved the request for closure of the alley involved in this event. Upon review of the application for this Community Event, a copy of which is attached hereto, and upon consideration of the factors set forth in Section 3.11.080 of the code of the City of Wichita, the Council shall determine if such approval should be given.

**Analysis:** Staff has reviewed the application for the Community Event with consumption of alcoholic liquor allowed, and based upon the factors set forth in Section 3.11.080 of the City Code, finds that all of the criteria set forth therein have been met and recommends approval of the event permit.

**Financial Consideration:** The event sponsor is responsible for all costs associated with the community event.

**Legal Consideration:** The Law Department has prepared and approved as to form the proposed Resolution.

**Recommendation/Actions:** It is recommended that the City Council adopt the Resolution and authorize the necessary signatures.

**Attachments:** Resolution, Community Event Application for Wichita Craft Beer & Food Fest and maps of proposed site for consumption of alcoholic liquor for the event.





4/28/2015

## **COMMUNITY EVENT APPLICATION** **and Temporary Entertainment District Application**

Applications and applicable fees must be submitted to:

**Division of Arts & Cultural Services | 225 West Douglas | Wichita, KS 67202**  
**(W) 316-303-8630 (F) 316-858-7960 [specialevents@wichita.gov](mailto:specialevents@wichita.gov)**

### **Completion of a Community Event Application is required when the following conditions apply:**

*The City of Wichita defines a Community Event as follows:*

- Outdoor event on public and/or private property
- Attendance in excess of 100 persons on public property and/or 250 persons on private or park property.  
*Excludes invitation only events taking place on private property.*
- Involves a particular purpose and time.
- **If Alcoholic Liquor or Cereal Malt Beverage is to be served or sold at an event, all portions of this application necessary to either establish a Temporary Entertainment District (for alcoholic liquor) or to obtain written City Council approval (for CMB) MUST be completed.**

**Any or all conditions below may apply to a Community Event:** Some conditions may require a separate permit, which might include City Council approval. The Community Event Ordinance 3.11, Municipal Codes and Licensing applications can be accessed from [www.wichita.gov](http://www.wichita.gov) under the Business tab or by request to the Community Event Coordinator.

### **General Information:**

The City of Wichita may refuse any application received less than 45 days before the event or lacking requested information. Applications received less than 30 days, but more than 10 business days prior to the proposed event will be assessed additional fees. **NO application will be accepted LESS THAN 10 business days prior to the proposed event.** Any information required by the application must be complete upon submittal. Incomplete applications may be denied. When received, an application is subject to approval of all departments involved and will be required to provide the following:

- Application filing fee (\$25) made payable to City of Wichita.
- Licensing fee (varies) made payable to the City of Wichita.
- Street closure request (\$25.00 *if applicable*) made payable to the City of Wichita.
- Certificate of Liability Insurance naming the City of Wichita as additionally insured.
- Site plan defining the placement of alcohol point of sale, barricade locations, exit location, trash, restrooms, signage, etc.
- Security requirements including hiring of certified law enforcement officers.
- Vendor list including contact person and contact information.

**Application Date:** 3-16-2015

**Event Title:** Wichita Craft Beer and Food Fest

**Event Date(s)/Time:** May 16, 2015 8:00 am - 1:00 pm - setup  
1:00 pm - 4:00 pm - event  
4:00 pm - 6:00 pm - breakdown



3/5/2015

Event Address for Permit: Monarch, 579 W Douglas, 67213

Property (Circle all that apply):

☒ Public

☐ Park

☒ Private

Event Promoter Name:

Jen Ray

Address:

579 W DOUGLAS WICHITA, KS 67213

Phone:

(316) 390-8017

Mobile:

(316) 201-6626

E-mail:

JENRAY.MONARCH@GMAIL.COM

Will Alcoholic Liquor or CMB be sold and/or served? (Circle one): ☒ Yes or No

Onsite Alcohol Supervisor Name:

Jennifer Ray

Address:

579 W. DOUGLAS WICHITA, KS 67213

Phone:

(316) 390-8017

Mobile:

(316) 201-6626

E-mail:

JENRAY.MONARCH@GMAIL.COM

Will food be sold and/or served? (Circle One): ☒ Yes or No

Food Coordinator Name:

Jeff Schauf

Phone:

(316) 609-9006

Mobile: ( )

E-mail:

theflyingstar@gmail.com





3/5/2015

Type of Event (Circle all that apply):

Animal Exhibition   Carnival   Circus   Concert   Dance   Fireworks   Live Entertainment   Parade  
Temporary Amusement Rides   Walk/Run/Marathon   Street Closure  
Other PUBLIC PARKING LOT

Attendance (circle one): Public   or   Private/Invitation Only

Estimated Attendance: 400-500

Number of participants in previous years: N/A  
(If applicable)

Will admission be charged? YES  
(If yes, what amount?)

Is this event a fundraiser? NO  
(If yes, for what organization?)

Street Closure Requested? (Circle One): Yes or No

Date(s)/Time/Location of Street Closures (or attached information):

EVENT - 12PM - 4PM MAY 10<sup>th</sup> 2015  
STREET/PARKING LOT CLOSURE 8AM - 6PM MAY 10<sup>th</sup> 2015  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Description, Website and/or Facebook Page of Event (or attached flier):

AN OPPORTUNITY TO EDUCATE ATTENDEES ON BEER STYLES, FLAVORS,  
METHODS OF PRODUCTION AS WELL AS FOOD PAIRINGS.

I, Jennifer Ray, the above named applicant, do solemnly swear that I have read the contents of this application and that all information and answers herein contained are completed and true. In addition, I have read and understand all rules and regulations as set out in the Code of the City of Wichita. Furthermore, I hereby agree to comply with all of the laws of the State of Kansas, and all rules and regulations prescribed by the City of Wichita and I have consent to the immediate revocation of my license, by the proper officials, for any violation of such laws, rules, or regulations.

Signature of Event Applicant

8/10/15  
Date

Organization/Event

City of Wichita Representative

Date



3/5/2015

**Requirements:** Based on the event factors, the city's regulation formula will determine the need and number of certified law enforcement officers required for street closures. The event sponsor and/or applicant is responsible for all cost associated with the event.

- Number of participants
- Number of past participants
- Use of alcohol
- Time and duration
- Location
- Number and specific streets requested for closure

**Sale and/or Consumption of Alcoholic Liquor or CMB:** A CMB license (allowing sale and/or consumption of CMB) or a \*\*Temporary Permit (allowing the sale and/or consumption of Alcoholic Liquor) **MUST** be approved by the City Council.

**Permit specifications include:**

- No more than 3 consecutive days.
- No more than 4 events annually to the same applicant.
- No sales between the hours of midnight and 6:00 a.m. for CMB.
- No sales between the hours of 2:00 a.m. and 9:00 a.m. for Alcoholic Liquor.
- No sales or consumption of Alcoholic Liquor or CMB upon public streets or rights-of-way unless approved by the City Council pursuant to the establishment of a Temporary Entertainment District (TED) as defined in Section 3.11.010(h) of the City Code. Streets must be closed to vehicular traffic.
- Specific area designated for point of sale of CMB or Alcoholic Liquor must be defined on a site plan.
- **Applicant Must comply with all provisions of Section 3.11.065 of the City Code for sale of BOTH CMB and Alcoholic liquor**
- **Sale of CMB, must also comply with Section 4.12.215 of the City Code regarding lighting and fencing of outdoor areas**

**\*\* Sale of Alcoholic Liquor is allowed ONLY when a Temporary Permit has been issued by the State of Kansas Division of Alcoholic Beverage Control (ABC) AND the City of Wichita. A copy of BOTH permits shall be posted along with the site plan at the event and shall be available for inspection upon request by any law enforcement officer or any officer or agent of the ABC Division Director. Sale and consumption of Alcoholic Liquor may be handled by a licensed Caterer in some situations, such as events on private property or upon public property that has been exempted pursuant to Section 4.04.045 of the City code, and which does NOT include city streets, sidewalks or alleys.**

**Sale and/or consumption of Alcoholic Liquor upon public streets and sidewalks is allowed ONLY when a Temporary Permit has been issued by the State of Kansas Division of Alcoholic Beverage Control AND the City of Wichita, AND when a TEMPORARY ENTERTAINMENT DISTRICT (TED) designation has been approved by the City Council. Alcoholic Liquor may NOT be sold on the premises of a TED by a Caterer.**

## **COMMUNITY EVENT CHECKLIST** **and Temporary Entertainment District Checklist**

Checklist must accompany Application and applicable fees and mail to:

**Division of Arts & Cultural Services | 225 West Douglas | Wichita, KS 67202**  
**(W) 316-303-8630 (F) 316-858-7960 [specialevents@wichita.gov](mailto:specialevents@wichita.gov)**

**Completion of a Community Event Application is required when the following conditions apply:** *The City of Wichita defines a Community Event as follows:*

- Outdoor event on public and/or private property
- Attendance in excess of 100 persons on public property and/or 250 on private or park property. Excludes invitation only events taking place on private property.
- Involves a particular purpose and time.

Approval of all applicable departments is required before permit is issued. The applicant shall be required to provide certified law enforcement officers, portable restrooms, and trash service in adequate number as reasonably determined by the procedures set forth. All vendors must be properly licensed and inspected. The applicant shall also be required to obtain, place and remove signs and barricades to close streets in accordance with requirements of the City. The applicant is responsible for all costs associated with the community event.

The Community Event Ordinance 3.11, Municipal Codes and Licensing applications can be accessible from [www.wichita.gov](http://www.wichita.gov) under the Business tab or by request to the Community Event Coordinator.

### **1. Certificate of Insurance - Must accompany initial application**

The applicant shall be required to **maintain insurance reasonably acceptable to the City covering all aspects of the event** in a minimum amount of \$500,000 public liability insurance and \$50,000 property damage insurance, in addition to other insurance as required by law. The insurance policies must include the City of Wichita and its agencies as additional insured.

### **2. Site Plan – Must accompany initial application** *- See attached*

A Site Map/Plan and Event Notice **must be attached to application**. The site map/plan shall include: (1) streets requested for closure; (2) entry and exit points of event venue; (3) stage placement; (4) portable restroom locations; (5) trash receptacle locations; and, if applicable, (6) description of signage and barriers defining the area which alcoholic liquor or CMB may be consumed; (7) point of sale of alcoholic beverages; and (8) location of participating establishments.

### **3. Security Requirements – Minimum 15 day approval process** *WPD*

Security requirements shall be determined in coordination with the Wichita Police Department. The applicant will be required to hire certified law enforcement officers in addition to any other security the promoter provides on the event site.

## ✓ Street Closure

**4. Traffic Flow Plan (Section 3.11.150) – Must accompany initial application**  
 The plan should include any information that will impact the flow of traffic, such as requested street closures; route for parade, run/walk, or any other request. Does not include events solely on sidewalks or public rights-of-way immediately adjacent to public streets unless alcoholic beverages are to be consumed in these areas. Applicants will be required to disclose the date, street name, location, and time period for approval of requested street closures. Please attach the traffic flow plan as part of the site map/plan. Closure for any major street requires adequate street closure equipment to include signs and barricades and certified law enforcement officers, to be provided by applicant. All affected property owners are required to be notified in writing for intended street closure and a copy of such list is to be included as part of the community event application requirements.

**Only temporary street markings are allowed and must be removed immediately upon completion of the event.**

## ✓ 5. Trash Receptacles – Minimum 15 day approval process – AAA Portable Services

The number of trash containers shall be based upon industry standards for sanitation and public convenience and will include consideration of the type of food and packaging. Requirements will be determined on event criteria and established with contracted vendor. Trash service will include servicing during an event for four hours or more and picking up of all trash and debris during and after the event. Upon completion of the event public property shall be left in the same condition or better than received. Trash containers may be located only in areas approved on site map/plan.

## ✓ 6. Portable Restrooms – Minimum 15 day approval process – AAA Portable Services

The number of portable restrooms shall be based upon industry standards for sanitation and public convenience. Requirements will be determined on event criteria and established with contracted vendor. The plan must provide for service during the event if planned for four hours or more. Portable restrooms may be located only in areas approved on site map/plan.

## ✓ 7. Food Vendors Transient Merchant License (Chapter 3.95) - Minimum 15 day approval process – Food Trucks – List attached

Food vendors must be licensed and inspected through the City of Wichita. A list of vendors including contact person and contact information must be submitted with the Community Event Application.

**N/A 8. Transient Merchant License (Chapter 3.95) – Minimum 15 day approval process**  
 Transient Merchants are described as vendors selling wares or food from 7:00 am until midnight. Each vendor is required to complete a separate Transient Merchant application including signature. A copy of current Sales Tax License from the State of Kansas or proof of exempt status must accompany application. A list of vendors including contact person and contact information must be submitted with the Community Event Application.



✓ *Temporary Permit*

**9. Cereal Malt Beverage and Alcoholic Liquor Licenses (Chapter 4.12, Section 4.16.070(e) and KSA 41-2645 - Minimum 45 day approval process**

The applicant shall be responsible for compliance with CMB and Alcoholic Liquor laws as well as all other laws and ordinances in the conduct of the event. Click on the "Business" tab at the top of the Home Page then click on "City of Wichita License Applications" to locate Liquor License and/or CMB license application.

✓ **10. Cereal Malt Beverage and Alcoholic Liquor Consumption Regulations (Title 10) - Minimum 45 day approval process**

The applicant and onsite supervisor (if different) shall be responsible for compliance with all regulations as set forth in Section 3.11.065 of the City Code. **Consumption of CMB or alcoholic liquor on public streets and sidewalks is only allowed when the street is closed to vehicular traffic and with written approval of the City council.**

*N/A* **11. Tents and Canopies (Chapter 18.36 Ordinance 41-502) - Minimum 5 day approval process**

A Permit will be required if the tent meets one of the following: The Tent has sides and is greater than 200 square feet OR is greater than 400square feet.

If a Tent Permit is required , the applicant will be required to appear in person at the Office of Central Inspection located in City Hall on the 7th floor, 455 N Main, Wichita, KS. The following information is required to obtain the permit: (1) the address where the tent will be located; (2) written permission of the property owner; (3) the size of the tent or canopy; (4) dates of erection and duration; (5) onsite contact name and contact information.

*N/A* **12. Parade (Chapter 3.13.020) – Minimum 10 day approval process**

Parade route diagram and/or site map/plan must be attached to the application showing formation area, starting point and termination point.

*N/A* **13. Temporary Amusement Ride License (Chapter 3.20) – Minimum 30 day approval process**

Completed application must include name of approved vendor. A current copy of certificate of inspection for each ride and applicable insurance must be on file with the City of Wichita. Placement of rides must be noted on site map/plan.

*N/A* **14. Fireworks License – (Chapter 15.0) Minimum 30 day approval process**

Completed application must include a copy of the Firework Operator Certificate. Applicant is required to include a site map/plan of the shooting site, fallout zone, a list of shell sizes and applicable insurance.

*N/A* **15. Animal Exhibition License (Chapter 3.09) – Minimum 20 day approval process.**

Completed application must include USDA animal documentation, name and address of licensed veterinarian responsible for the care of the animals and proof of liability insurance.



**16. Event Times - (Municipal Code Section 3.11.155)**

Outdoor entertainment may operate 8:00 am until 11:00 pm Sunday through Thursday, 8:00 am until Midnight Friday and Saturday. The applicant shall at all times be responsible for compliance with laws and ordinances regulating the times of events.



**17. Noise Level – (Chapter 7.41)**

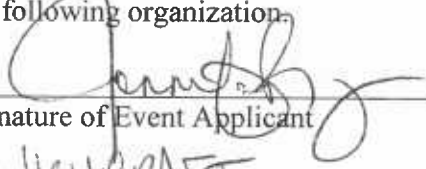
The applicant shall be required to ensure that sound levels do not exceed that which is appropriate for the event area and its location and is in compliance with the provisions the code of the City of Wichita. The applicant will respond in a timely and effective manner to requests of the city's representatives concerning the sound level. The WPD or authorized representatives of the City shall have the authority to cancel musical performances or events for substantial or repeated violations.



**18. Miscellaneous**

No excavation shall be made on public property nor objects/promotional items be placed or attached to public property except as expressly approved by permit or license. The applicant shall be required to abide by such other requirements as may be reasonable for the approval of the application.

I have read and understand the above information and regulations and accept them on behalf of the following organization.

  
 \_\_\_\_\_  
 Signature of Event Applicant

3/16/15  
 \_\_\_\_\_  
 Date

WICHICRAFT  
 \_\_\_\_\_  
 Organization/Event

  
 \_\_\_\_\_  
 City of Wichita Representative

4/7/2014  
 \_\_\_\_\_  
 Date



INDIBRO-01

SHAY

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/7/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> ICI Insurance Center, Inc. 120 W. Central Avenue El Dorado, KS 67042		<b>CONTACT NAME:</b> Ryan T. Murry, CIC <b>PHONE (A/C, No, Ext):</b> (316) 321-5600 <b>E-MAIL ADDRESS:</b> icip@icblueskies.com		<b>FAX (A/C, No):</b> (316) 321-5625
		<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
		<b>INSURER A:</b> United States Liability Insurance Company		<b>25895</b>
		<b>INSURER B:</b>		
		<b>INSURER C:</b>		
		<b>INSURER D:</b>		
		<b>INSURER E:</b>		
		<b>INSURER F:</b>		

INSURED

Indian Brown LLC dba The Monarch  
579 W Douglas  
Wichita, KS 67213

## COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	X		CL1694989	05/16/2015	05/18/2015	EACH OCCURRENCE \$ 500,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 1,000 PERSONAL & ADV INJURY \$ 500,000 GENERAL AGGREGATE \$ 500,000 PRODUCTS - COMP/OP AGG \$ Included
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<b>UMBRELLA LIAB</b> <b>EXCESS LIAB</b> DED <input type="checkbox"/> RETENTION \$ <input type="checkbox"/>						EACH OCCURRENCE \$ AGGREGATE \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	<b>Liquor Liability</b>	X		CL1694989	05/16/2015	05/18/2015	Each Common Cause 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

## CERTIFICATE HOLDER

## CANCELLATION

City of Wichita  
455 N Main St  
Wichita, KS 67202

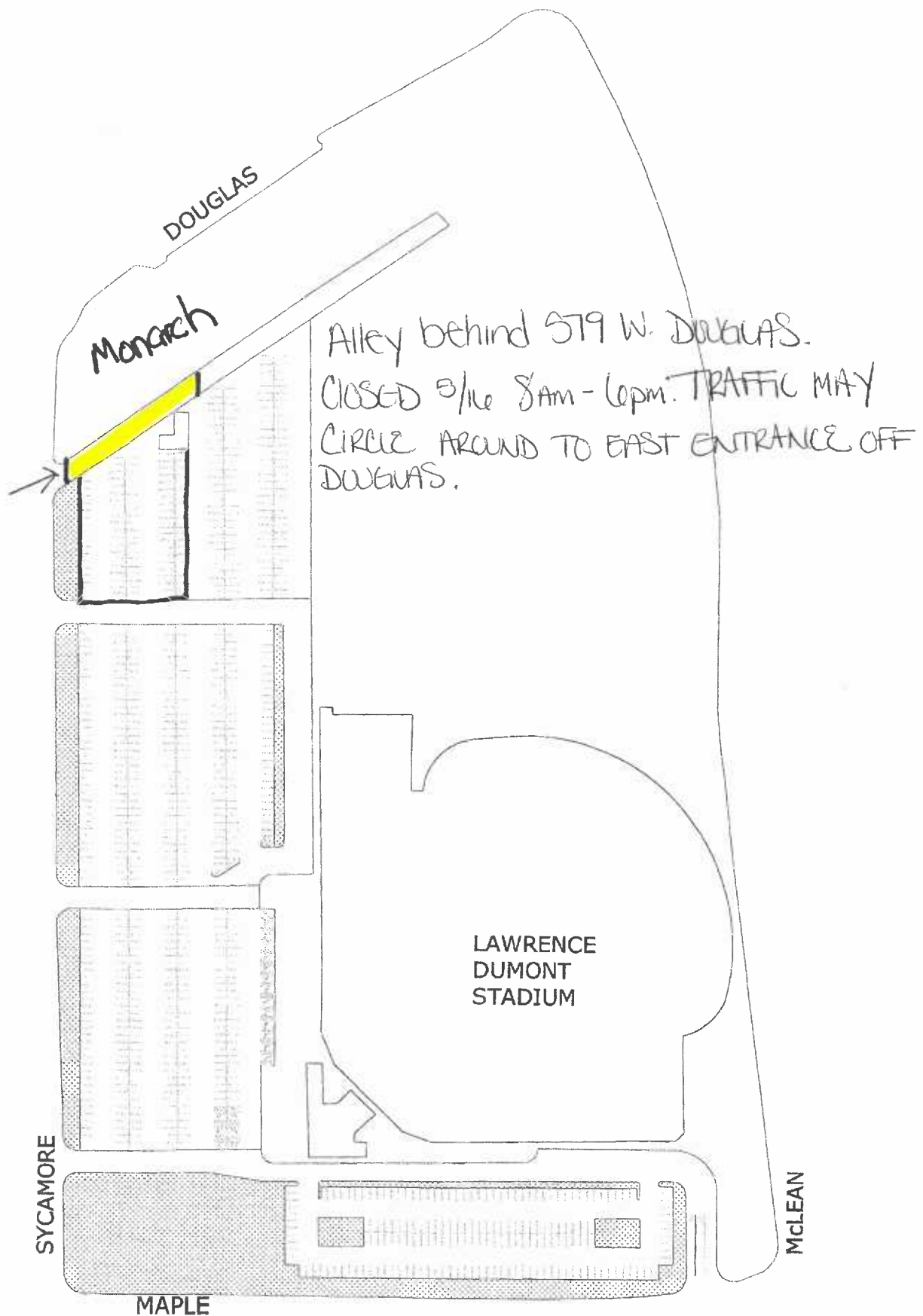
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

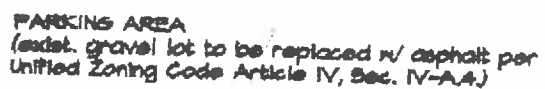
AUTHORIZED REPRESENTATIVE

*Suzanne Hay*



# TRAFFIC FLOW PLAN





579 W. Douglas Wichita, KS 67213

To Whom It May Concern,

The Monarch has requested to block the alley directly behind The Monarch May 16<sup>th</sup> 8AM-6PM. Traffic will still be allowed to enter and exit from the east alley entrance next to Hertz. If you have any questions or concerns please contact Jennifer Ray at 316-201-6626

**Clark, Connie**

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**From:** Josh Robertson <Josh@wichitawingnuts.com>  
**Sent:** Tuesday, March 24, 2015 1:22 PM  
**To:** Clark, Connie  
**Subject:** RE: Permission for use of LDS Parking Lot

Connie,

We have an exhibition game that day but I already told Pam Irish that it would not be a problem. Thank you

*Josh Robertson*

**President/G.M.**

**Wichita Wingnuts**

**Phone:** 316-264-6887

**Fax:** 316-264-2129

**Email:** [josh@wichitawingnuts.com](mailto:josh@wichitawingnuts.com)

**2009 AA North Division Champions**

**2010 American Association**

**"Organization Of The Year"**

**2011, 2012 & 2013 AA Central Division Champions**

**2010, 2011 & 2012 Wichita Eagle Readers Choice**

**"Best Local Sports Team"**

**2014 AA South Division Champions**

**2014 American Association Champions**

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**From:** Clark, Connie [<mailto:CSClark@wichita.gov>]

**Sent:** Tuesday, March 24, 2015 11:20 AM

**To:** Josh Robertson

**Subject:** Permission for use of LDS Parking Lot

Hi Josh,

I have received a Community Event application for an event called WichCraft, taking place May 16, 2015 8:00 am – 6:00 pm at the Monarch, 579 West Douglas. The site map includes the north section of the LDS parking as part of the event footprint.

Do you foresee any issues with this request?

Connie Clark

Community Event Coordinator

City of Wichita ~ Division of Arts & Cultural Services

[csclark@wichita.gov](mailto:csclark@wichita.gov)

(316) 303-8630

(316) 858-7960 - fax

The Flying Stove ([theflyingstove@gmail.com](mailto:theflyingstove@gmail.com))  
BS Sandwich Press ([bssandwichpress@yahoo.com](mailto:bssandwichpress@yahoo.com))  
Let'm Eat Brats ([english.manuela@yahoo.com](mailto:english.manuela@yahoo.com))  
Hopperoni Express ([brobinson@wichitabrew.com](mailto:brobinson@wichitabrew.com))  
Brickhouse BBQ ([sterling.mcphaul62@gmail.com](mailto:sterling.mcphaul62@gmail.com))  
Park N Pork BBQ ([parknporkbbq@gmail.com](mailto:parknporkbbq@gmail.com))  
Waffle Wagon ([twintreatsconcession@yahoo.com](mailto:twintreatsconcession@yahoo.com))  
Kona Ice ([mcyoung@kona-ice.com](mailto:mcyoung@kona-ice.com))  
Ginger Lilly Boutique ([hollyadaley@yahoo.com.sg](mailto:hollyadaley@yahoo.com.sg))  
Lamphouse Photo Truck ([info@lamphousephotoco.com](mailto:info@lamphousephotoco.com))

**RESOLUTION NO. 15-122**

**A RESOLUTION AUTHORIZING THE CONSUMPTION OF ALCOHOLIC  
LIQUOR UPON A PUBLIC ALLEY DURING THE WICHITA CRAFT BEER AND  
FOOD FEST COMMUNITY EVENT**

WHEREAS, the City Council has approved as a Community Event, Wichita Craft Beer & Food Fest, to occur on Saturday, May 16, 2015.

WHEREAS, the City Council has approved a portion of the alley located behind 579 W. Douglas to be closed to vehicular traffic for this event from the entrance to said alley on the east side of South Sycamore Street proceeding in a northeasterly direction for approximately 180 feet. Said closure shall be from 8:00 a.m. until 6:00 p.m. on Saturday, May 16, 2015, and with the consumption of alcoholic liquor allowed upon this property during such time.

WHEREAS, a temporary permit for the consumption of alcoholic liquor at the Wichita Craft Beer and Food Fest event has been applied for and will be issued by the State of Kansas and the City of Wichita upon the presentation of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council, pursuant to Section 3.11.065(d) of the Code of the City of Wichita, and in consideration of the factors set forth in Section 3.11.080 of the Code of the City of Wichita, grants its approval for the consumption of alcoholic liquor on the alley and any city streets, sidewalks or other public right of ways which are located within the area designated for the Wichita Craft Beer and Food Fest event to occur from 8:00 a.m. to 6:00 p.m. on May 16, 2015 as set forth above.

**ADOPTED** by the governing body of the City of Wichita, Kansas, this 5<sup>th</sup> day of May, 2015.

CITY OF WICHITA, KANSAS

By \_\_\_\_\_  
Jeff Longwell, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett  
City Clerk

Approved as to Form:

\_\_\_\_\_  
Sharon L. Dickgrafe, Interim City Attorney &  
Director of Law

City of Wichita  
City Council Meeting  
May 5, 2015

**TO:** Mayor and City Council

**SUBJECT:** Repair or Removal of Dangerous and Unsafe Structures  
(District I and IV)

**INITIATED BY:** Metropolitan Area Building and Construction Department

**AGENDA:** New Business

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**Recommendations:** Adopt the resolutions.

**Background:** On March 24, 2015, a report was submitted with respect to the dangerous and unsafe conditions on the properties listed below. The City Council adopted resolutions providing for a public hearing to be held on the condemnation actions at 9:30 a.m. or soon thereafter, on May 5, 2015.

**Analysis:** On February 2, 2015, the Board of Building Code Standards and Appeals conducted a hearing on the residential property listed below as item a. On March 2, 2015, the Board of Code Standards and Appeals conducted a hearing on the residential property listed below as item b.

<b><u>Property Address</u></b>	<b><u>Council District</u></b>
a. 1321 N. Santa Fe	I
b. 1117 S. Richmond	IV

Detailed information/analyses concerning the properties are included in the attachments.

**Financial Considerations:** Structures condemned as dangerous buildings are demolished with funds from the Metropolitan Area Building and Construction Department Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of Federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits MABCD expenditures for non-revenue producing condemnation and housing code enforcement activities to twenty percent (20%) of MABCD's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures demolished by the City are billed for the contractual costs of demolition, plus an additional five hundred dollar (\$500) administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

**Legal Considerations:** The resolutions and notices of hearing were reviewed and approved as to form by the Law Department.

**Recommendations/Actions:** It is recommended that the City Council close the public hearing, adopt the resolutions declaring the buildings to be dangerous and unsafe structures, and accept the BBCSA recommended actions to proceed with condemnation, allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair any structures would be contingent on the following: (1) All taxes have been paid to date as of May 5, 2015; (2) the structures have been secured as of May 5, 2015, and will continue to be kept secured; and (3) the premises are mowed and free of debris as of May 5, 2015, and will be so maintained during renovation.

If any of the above conditions are not met, the Metropolitan Area Building and Construction Department will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper and advise the owner of these findings.

**Attachments:** Case summary, CDM summary and follow-up history



**DATE: April 17, 2015**

**CDM SUMMARY**

**COUNCIL DISTRICT # I**

**ADDRESS: 1321 N Santa Fe Ave**

**LEGAL DESCRIPTION: THE NORTH 14 FEET OF LOT 307, AND ALL OF LOTS 309,311,313 AND 315, EXCEPT THE WEST 6 FEET THEREOF, ON FIFTH, NOW SANTA FE AVENUE, FERRELL'S SECOND ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**DESCRIPTION OF STRUCTURE: A two-story frame dwelling, about 20 x 30 feet in size. Vacant for at least 20 years, this structure has deteriorated hardboard siding; badly worn, sagging composition roof with holes and missing shingles; deteriorated wood front porch; and rotted wood trim. The 15x20 foot accessory dwelling is dilapidated.**

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

**A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.**

**B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.**

**C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.**

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

---

Director of Metropolitan Area Building and Construction Department  
Enforcing Officer

---

Date

**DATE: April 17, 2015**

**BCSA GROUP # 1**

**ADDRESS: 1321 N Santa Fe Ave**

**ACTIVE FIELD FILE STARTED: 9/16/1992**

**NOTICE(S) ISSUED:** Since 9/16/92, numerous notices of violation have been issued. This property was previously in condemnation, in 2000. One of the property owners did enough work to the exterior to remove it from condemnation. It has been vacant and boarded ever since.

**PRE-CONDEMNATION LETTER: 3/14/2014**

**TAX INFORMATION:** The 2010, 2011, 2012, 2013 and 2014 taxes are delinquent in the amount of \$1,738.90, which includes interest.

**MABCD COST ASSESSMENTS/DATES:** None

**PREMISE CONDITIONS:** Demolition debris, tires, tree waste, bulky waste and a dumpster filled with debris.

**VACANT NEGLECTED BUILDING REPORT:** No active case

**MABCD NUISANCE ABATEMENT REPORT:** None

**POLICE REPORT:** In the past five years there have been two reported police incidents at this location including battery and trespass.

**FORMAL CONDEMNATION ACTION INITIATED: 4/29/2014**

**RECENT DEVELOPMENTS:** No repairs have been made and the main structure is secure. The accessory dwelling has been demolished, however; debris from the demolition has not been removed.

**HISTORIC PRESERVATION REPORT:** No impact

**OWNER'S PAST CDM HISTORY:** This property was in condemnation in 2000. The exterior was repaired and the property remained vacant and secured.

**BOARD OF B. C.S. &A. RECOMMENDATION:** At the July 7, 2014 BCSA hearing Altina Pouncil, owner of the property, was present.

There has been an active case on this property since 1992. Numerous Notices of Violation have been issued. Previously presented for condemnation, repairs were made that allowed the property to be removed from the list for condemnation, and the house has been vacant and boarded since that time. A Pre-condemnation Letter was issued again on March 14, 2014. The taxes for 2010, 2011, 2012, and 2013 are delinquent in the amount of \$1,086.73. The premise is maintained, the structure is secure, and there are no special assessments against the property. Staff has spoken with Tina Pouncil and was told that Ms. Pouncil intends to demolish the accessory structure. To date, no work has been done to bring the property into compliance with minimum housing code.

Ms. Pouncil told the Board that she had been talking with a potential buyer for the property. She said the porch structure is almost completed, and the rear of the property is secure. Ms. Pouncil said she will pay the delinquent taxes. She has contacted two demolition contractors to arrange for estimates on wrecking the accessory structure.

Board Member Harder made a motion to allow until the September meeting for Ms. Pouncil to negotiate the sale of the property, maintaining the premise in a clean and secure condition, and pay the delinquent taxes. Board Member Crotts seconded the motion. The motion passed.

At the September 8, 2014 BCSA hearing Altina Pouncil, owner, was present. Ms. Pouncil explained to the Board that she intended to demolish the rear structure, she and has obtained a wrecking permit. Because the demolition estimates she had received were very costly, Ms. Pouncil stated that she was trying to get additional bids in order to find a less expensive contractor. She said that painting had been done on the main structure since the last site visit by MABCD staff. Ms. Pouncil was confident that the exterior violations on the main structure would be repaired by the upcoming weekend. She said one year of delinquent taxes had been paid earlier in the day, and she would pay the rest of the balance by the end of the month.

Board Member Redford made a motion to allow an extension until the January meeting for the rear structure to be razed and to complete the exterior repairs on the main structure, maintaining the site in a clean and secure condition in the interim. Board Member Banuelos seconded the motion. The motion carried.

At the February 2, 2015 BCSA hearing, C. D. Atkins, one of the owners, was present.

The property was first before the Board at the July 7, 2014, hearing and again the September 8, 2014, hearing. At the September hearing, Altina Pouncil was present, and the Board approved a motion to allow until the January 2015 hearing for the rear structure to be razed and to complete the exterior repairs of the main structure, maintaining the site in a clean and secure condition. A special joint advisory board meeting was held in January in lieu of the regularly scheduled meeting, deferring action until the February 2, 2015, meeting.

The 2010, 2011, 2012, 2013, and 2014 taxes are still delinquent in the amount of \$1,606.76. At the last site inspection it was noted that there was demolition debris from the razing of the accessory structure on the property. There have been no repairs made to the main structure; however, it is secure.

Mr. Atkins told the Board that the repairs to the main structure should be completed within a month.

Based on staff recommendations, Board Member Harder made a motion to allow until the March 2015 hearing for the removal of the demolition debris, payment of the delinquent taxes, and repairs made to the main structure, maintaining the site in a clean and secure condition, or the property will be submitted to the City Council with a recommendation of condemnation, with ten days to begin wrecking and ten days to complete the demolition. Board Member Crotts seconded the motion. The motion carried.

**STAFF RECOMMENDATION/REMARKS:** Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to

proceed to let for bids to demolish the structure.

**DATE: April 17, 2015**

**CDM SUMMARY**

**COUNCIL DISTRICT # IV**

**ADDRESS: 1117 S. RICHMOND**

**LEGAL DESCRIPTION: LOTS 157 AND 159, ON RICHMOND AVENUE, RICHMOND'S ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**DESCRIPTION OF STRUCTURE: A one story frame dwelling about 24 x 22 feet in size. Vacant and open, this structure has exposed framing members; missing steel siding; deteriorated composition siding; missing wall sheathing; and missing porches and steps.**

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

- A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.**
- B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.**
- C. Those open to unauthorized persons or those permitted to be attractive to loiterers, vagrants, or children.**
- D. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.**

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

---

Director of Metropolitan Area Building and Construction Department  
Enforcing Officer

---

Date

**DATE: April 17, 2015**

**BCSA GROUP # 4**

**ADDRESS: 1117 S. RICHMOND**

**ACTIVE FIELD FILE STARTED: January 27, 2014**

**NOTICE(S) ISSUED: Since January 27, 2014, a violation notice has been issued.**

**PRE-CONDEMNATION LETTER: September 9, 2014**

**TAX INFORMATION: Current**

**COST ASSESSMENTS/DATES: None**

**PREMISE CONDITIONS: Tall grass and weeds and some bulky waste.**

**VACANT NEGLECTED BUILDING REPORT: None**

**MABCD NUISANCE ABATEMENT REPORT: In June 2013, a tall grass and weeds case was initiated resulting in owner compliance. In August 2014, a tall grass and weeds case was initiated resulting in City of Wichita contractor abatement in the amount of \$140.00.**

**POLICE REPORT: In the past five years there has been one reported police incident of miscellaneous report.**

**FORMAL CONDEMNATION ACTION INITIATED: November 14, 2014**

**RECENT DEVELOPMENTS: No repairs have been made and the structure is unsecure with open doors and windows.**

**HISTORIC PRESERVATION REPORT: No impact**

**OWNER'S PAST CDM HISTORY: None**

**BOARD OF B. C.S. &A. RECOMMENDATION: At the February 2, 2015 BCSA hearing, Lee Hunter, representative of the property owner, was present.**

**Vacant and open this is a one-story frame dwelling. About 24 x 22 feet in size, this structure has exposed framing members; missing steel siding; deteriorated composition siding; missing wall sheathing; and missing porches and steps.**

**The case on this property was started in January 2014. A violation notice and a Pre-condemnation Letter have been issued. The 2014 taxes are delinquent in the amount of \$153.93, which includes interest. There are no special assessments. Upon the most recent site inspection, it was noted that there was some bulky waste on the premises. In June 2013 a Tall Grass & Weeds case was opened on the property; the owner complied. In August 2014 another Tall Grass & Weeds case was initiated, and it was abated by a contractor hired by the City of Wichita at the cost of \$140; formal condemnation action was initiated in November 2014. No repairs have been made to the structure; and the doors and windows of the structure are open.**

**Mr. Hunter said the owner had had some work done on the foundation. He was not able to give an**

**update on the property, nor was he privy to the owner's plan of action.**

**Board Member Harder made a motion to allow until the March 2015 meeting for the owner to bring the exterior into compliance, have the delinquent taxes and special assessment paid, meanwhile maintaining the site in a clean and secure condition. Board Member Doeden seconded the motion. The motion passed.**

**At the March 2, 2015 BCSA hearing, no one was present to represent this property.**

**The delinquent taxes and special assessments were paid, At the last site inspection there was bulky waste noted on the premises. There has been no change to the structure. No repairs have been made to the exterior, and the structure is open. There has been no further contact from the owner or his/her representative.**

**As recommended by the staff report, Board Member Harder made a motion to refer the property to the City Council for condemnation, with ten days to begin wrecking and ten days to complete the removal. Board Member Wilhite seconded the motion. The motion carried.**

**STAFF RECOMMENDATION/REMARKS:** Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

**May 5, 2015**  
**City Council**  
**Removal of Dangerous Structure Case Summary**

Address	Cncl. Dist.	Hsng. Case Age	Cndm. Init. Date	BCSA Hearing Date & Recommendation	Owner/ Rep. At BCSA ?	Open or Secure	Premise Cond. Status	Property Tax Status	Special Assessments
1321 N. Santa Fe	I	22 yrs. 7 mos.	04/29/14	07/07/14 - deferred 60 days 09/08/14 - deferred 120 days 02/02/15 - 10/10	Yes Yes Yes	Secure	Demolition debris, tires, tree waste, bulky waste and a dumpster filled with debris.	The 2010, 2011, 2012, 2013 and 2014 taxes are delinquent in the amount of \$1,738.90, which includes interest.	None
1117 S. Richmond	IV	1 yr. 3 mos.	11/14/14	02/02/15 - deferred 30 days 03/02/15 - 10/10	Yes No	Unsecure with open doors and windows.	Tall grass and weeds and some bulky waste.	Current	None



**Agenda Report No. V-1**

**City of Wichita  
City Council Meeting  
May 5, 2015**

**TO:** Mayor and City Council

**SUBJECT:** ZON2015-00012 and CON2015-00010 – City Zone Change from SF-5 Single-Family Residential (SF-5) to LC Limited Commercial (LC) and Conditional Use to Permit a Self-Service Warehouse on Property Generally Located North of 29<sup>th</sup> Street North, One-Quarter Mile West of North Hoover Road (District V)

**INITIATED BY:** Metropolitan Area Planning Department

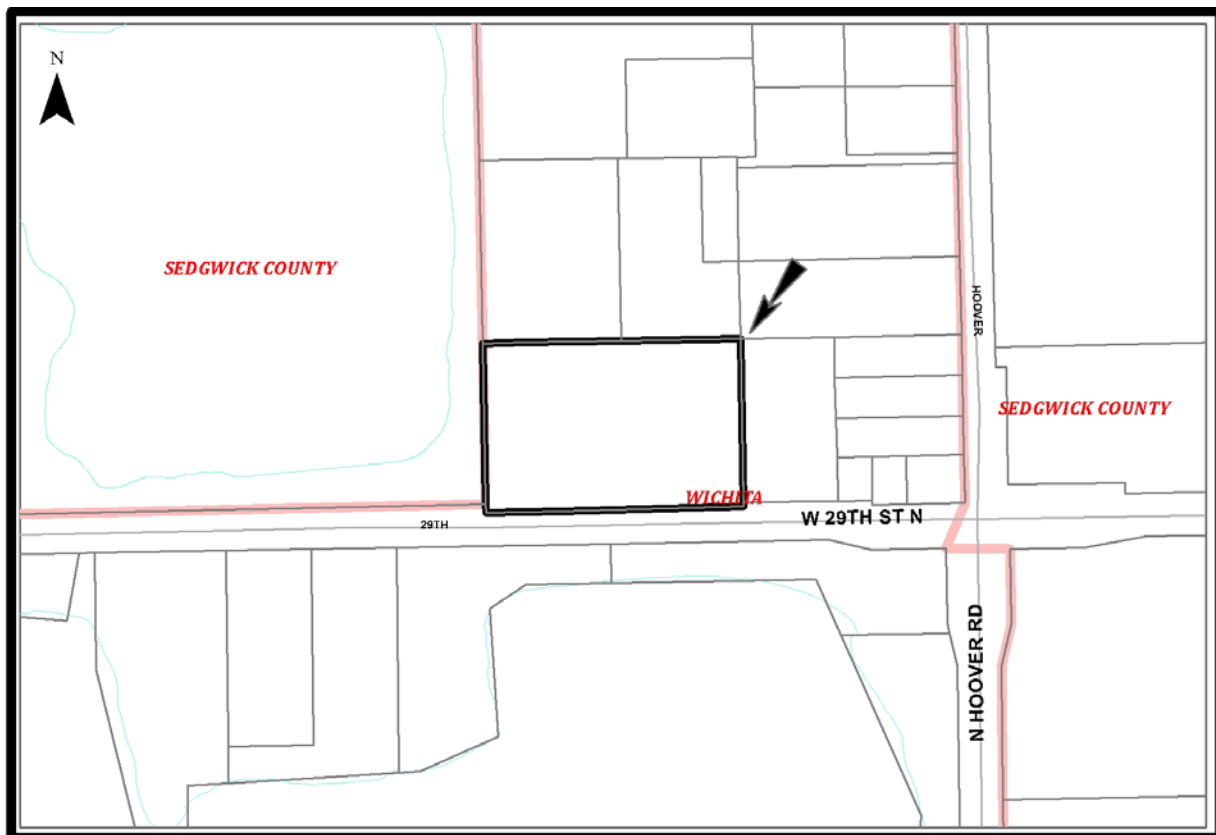
**AGENDA:** Planning (Non-Consent)

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**MAPC Recommendation:** The MAPC recommended approval of the request (11-0-1).

**DAB Recommendation:** District Advisory Board V recommended denial of the request (6-1).

**MAPD Staff Recommendation:** Metropolitan Area Planning Department staff recommended approval of the request.



**Background:** The applicants are requesting a zone change from SF-5 Single-Family Residential to LC Limited Commercial for 4.94 acres of a 5.5 acre unplatted parcel, located one-quarter mile west of North Hoover Road on the north side of West 29<sup>th</sup> Street North. In 1958, Sedgwick County zoned the four corners of the intersection to LC in anticipation of commercial development. The east portion of the parcel, approximately 0.45 acres, currently zoned LC, was part of that rezoning. In addition to the requested zone change to LC, the applicants have submitted a request for a conditional use to allow warehouse/self-storage on the site (CON2015-10).

The applicants have submitted a site plan of the proposed building layout, internal vehicle circulation and the access onto West 29<sup>th</sup> Street North will be reviewed and approved during platting should ZON2015-00012 and CON2015-00010 be approved. Upon approval of ZON2015-12 and the subsequent CON2015-10, the applicants will be required to file and perfect a plat within one year and provide a revised site plan giving more detail including, but not limited to, landscaping, any proposed light poles and identification of customer and employee parking.

Final platting of the property north of the site (SUB2014-00042) was approved by Wichita City Council on March 24, 2015 (7-0) and is zoned LI Limited Industrial. Property east of the site is zoned LC and currently has a single family residence. The SF-20 zoned property west of the site has a conditional use to allow for sand and gravel extraction (CU-242). South of the site is Barefoot Bay Subdivision, which is zoned SF-5 Single-Family Residential and is developed with single-family residences.

**Analysis:** On April 2, 2015, the Metropolitan Area Planning Commission (MAPC) reviewed the application. Property owners in the notification area were present for comment to the MAPC. Concerns voiced included the negative impact to property values in the area, increase in traffic and the use did not fit the residential neighborhood. The MAPC approved the application by consent (11-0-1, McKay abstaining) subject to the following conditions:

- 1) The zone change and conditional use will not be final until the property is platted according to the Subdivision Regulations of the UZC;
- 2) Obtain all permits and inspections as required by the Metropolitan Area Building and Construction Department. All development will be subject to platting and be per City Code, including landscaping, code compliance and any other applicable standards;
- 3) The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City standards, within one year of approval by the MAPC or the City Council. The site shall be developed according to the revised site plan;
- 4) All improvements shall be complete within one year of the approval of the Conditional Use by the MAPC or the City Council;
- 5) The site shall be developed and operated in compliance with all federal, state and local rules and regulations;
- 6) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, may, with the concurrence of the Planning Director, declare the Conditional Use null and void;
- 7) Prior to the issuance of an occupancy permit, a four to five-foot high landscaped berm is required to be installed along the site's West 29<sup>th</sup> Street North frontage. Even though the property is zoned LC, use of the property is limited to a "warehouse, self-storage," as defined by the Wichita-Sedgwick County Unified Zoning Code, and subject to the development standards contained therein, and to the uses permitted by right in the SF-5 Single-Family (SF-5) zoning district.

On April 21, 2015, District Advisory Board (DAB) V heard the case. Property owners were present to protest the application. Concerns presented at the MAPC were reiterated at the DAB meeting.

Planning staff has received valid protests representing 47.98 percent of the net land area located with the protest area. Since the protests represent more than 20 percent of the net land area located within the protest area, a three-quarter majority vote is required to overturn the protests.

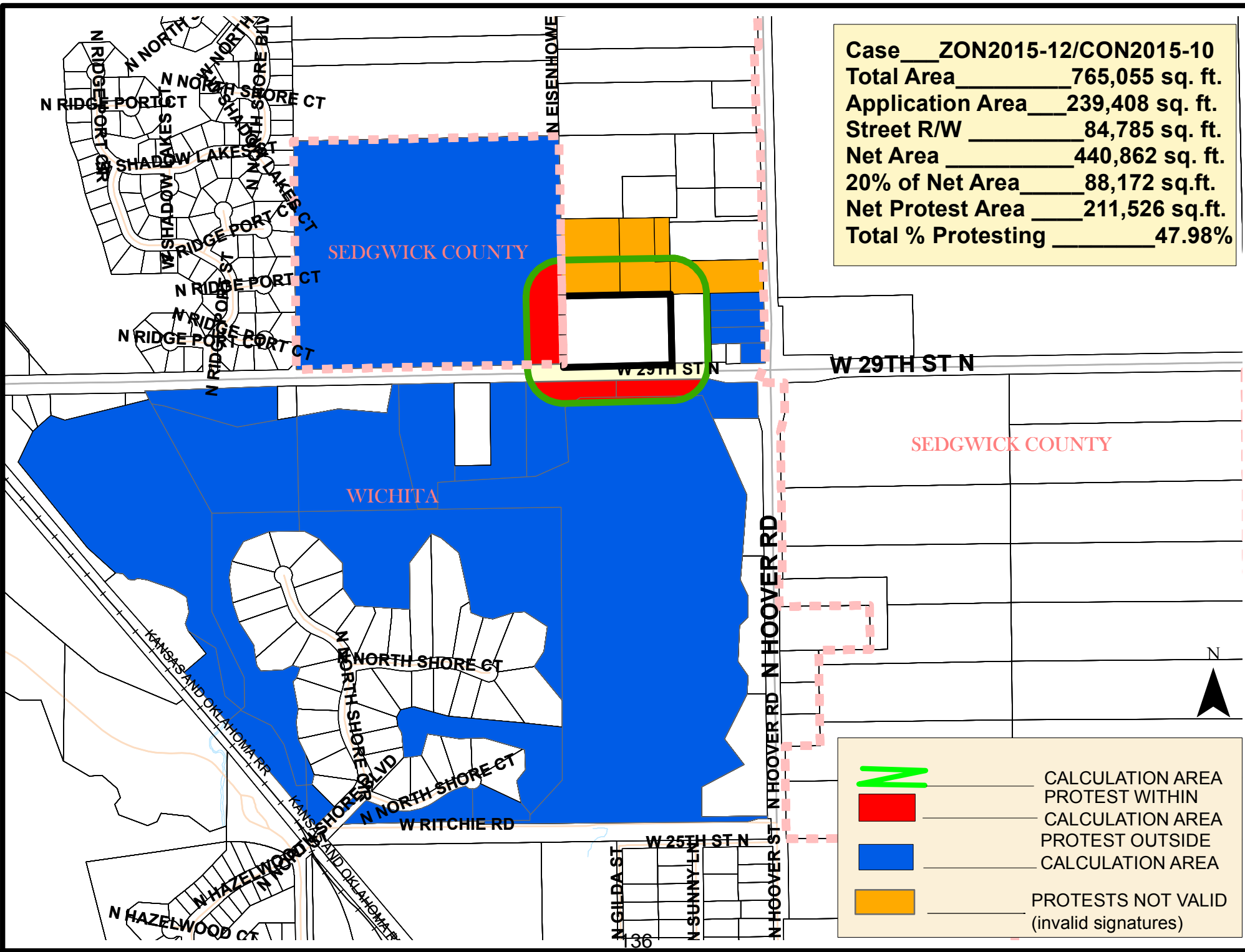
**Financial Considerations:** Approval of this request will not create any financial obligations for the City.

**Legal Considerations:** The Law Department has reviewed and approved the ordinance as to form.

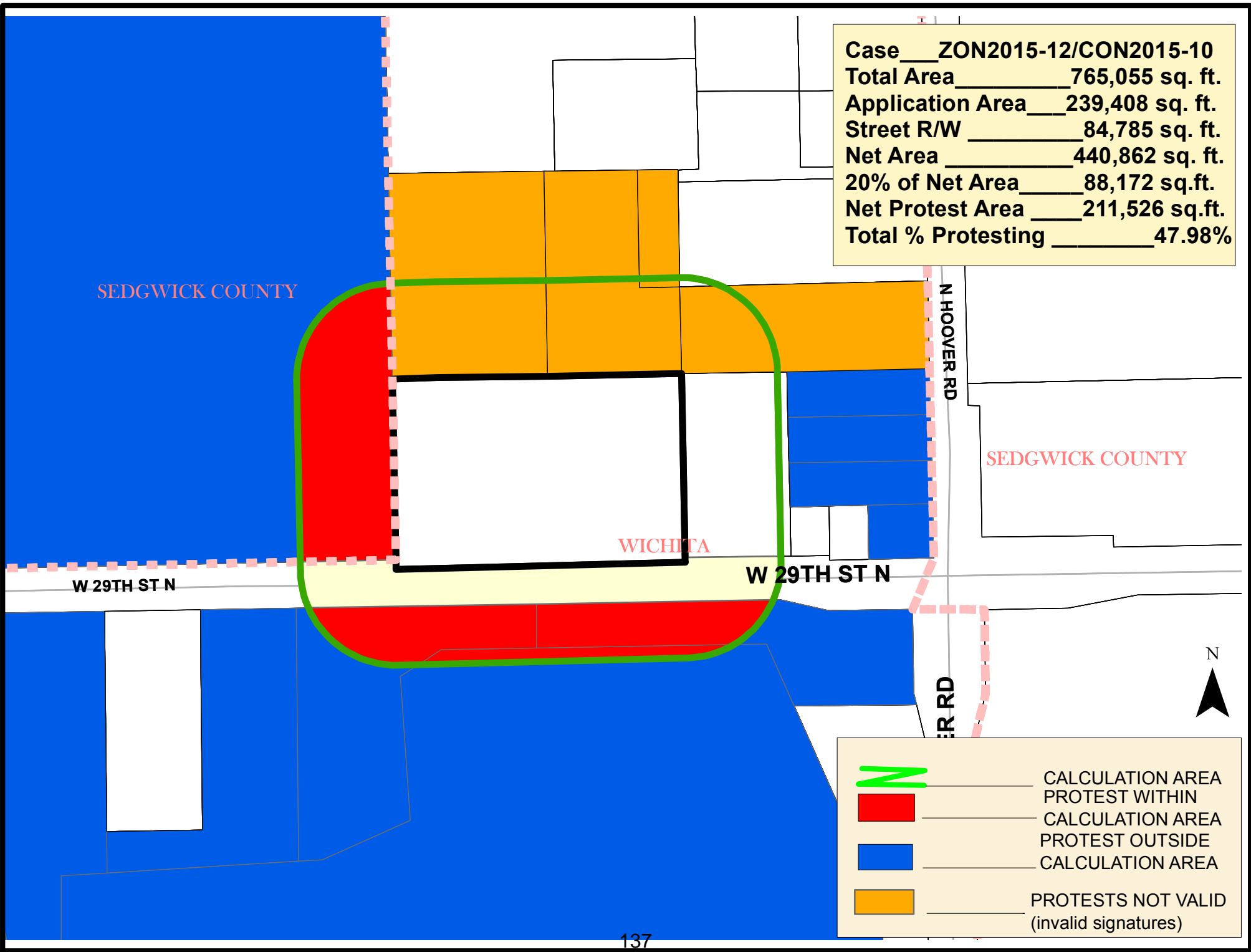
**Recommendation/Actions:** It is recommended that the City Council: 1) Concur with the findings of the MAPC and approve the zoning change and conditional use subject to the conditions enumerated, and adopt the findings of the MAPC and instruct the Planning Department to forward the ordinance for first reading when the plat is recorded (requires three-quarter majority vote); 2) Deny the zoning and conditional use request by making alternative findings, and override the MAPC's recommendation (requires two-third majority vote to override the MAPC's recommendation); 3) Return the case to MAPC for further consideration with a statement specifying the basis for Council's failure to approve or deny the application (requires a simple majority vote).





**Attachments:** MAPC minutes, DAB memo, Ordinance, Protest Maps and correspondence.

Case\_\_ZON2015-12/CON2015-10  
 Total Area\_\_\_\_\_765,055 sq. ft.  
 Application Area\_\_\_239,408 sq. ft.  
 Street R/W \_\_\_\_\_84,785 sq. ft.  
 Net Area \_\_\_\_\_440,862 sq. ft.  
 20% of Net Area\_\_\_88,172 sq.ft.  
 Net Protest Area \_\_\_\_211,526 sq.ft.  
 Total % Protesting \_\_\_\_\_47.98%



Case\_\_ZON2015-12/CON2015-10  
 Total Area\_\_\_\_\_765,055 sq. ft.  
 Application Area\_\_\_239,408 sq. ft.  
 Street R/W \_\_\_\_\_84,785 sq. ft.  
 Net Area \_\_\_\_\_440,862 sq. ft.  
 20% of Net Area\_\_\_88,172 sq.ft.  
 Net Protest Area \_\_\_211,526 sq.ft.  
 Total % Protesting \_\_\_\_\_47.98%



 CALCULATION AREA  
 PROTEST WITHIN  
 CALCULATION AREA  
 PROTESTS NOT VALID  
 (invalid signatures)

**CONDITIONAL USE RESOLUTION NO. 15-123**  
**CON2015-00010**

**WHEREAS**, the Estate of Verna E. Cornwell, Ruggles & Bohm, P.A., c/o Chris Bohm, (Agent); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a Warehouse, Self-Storage on 5.5 acres zoned LC Limited Commercial (“LC”) described as:

Beginning 545 feet West of the Southeast corner of the Southeast Quarter; thence North 425 feet; thence West 600 feet, thence South 425 feet; thence East to the point of beginning Section 34, Township 26 Range 1 Est of the 6<sup>th</sup> P.M., Wichita, Sedgwick County, Kansas.

**WHEREAS**, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

**WHEREAS**, the MAPC did, at the meeting of April 2, 2015, consider said application; and

**WHEREAS**, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Wichita City Council that this application be approved to exclude all uses by right in LC zoning district and allow a Conditional Use for a Warehouse/Self-Storage facility on 5.5 acres zoned LC Limited Commercial (“LC”) described as:

Beginning 545 feet West of the Southeast corner of the Southeast Quarter; thence North 425 feet; thence West 600 feet, thence South 425 feet; thence East to the point of beginning Section 34, Township 26 Range 1 Est of the 6<sup>th</sup> P.M., Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

- 1) The zone change and conditional use will not be final until the property is platted according to the Subdivision Regulations of the UZC;
- 2) Obtain all permits and inspections as required by the Metropolitan Area Building and Construction Department. All development will be subject to platting and be per City Code, including landscaping, code compliance and any other applicable standards;
- 3) The applicant shall submit a revised site plan and elevation drawings for review and approval by the Planning Director, prior to the issuance of a building permit, per City standards, within one year of approval by the MAPC or the City Council. The site shall be developed according to the revised site plan;
- 4) All improvements shall be complete within one year of the approval of the Conditional Use by the MAPC or the City Council;
- 5) The site shall be developed and operated in compliance with all federal, state and local rules and regulations;
- 6) Prior to the issuance of an occupancy permit, a four to five-foot high landscaped berm is required to be installed along the site’s West 29<sup>th</sup> Street North frontage. Even though the property is zoned LC, use of the property is limited to a “warehouse, self-storage,” as defined by the Wichita-Sedgwick County Unified Zoning Code, and subject to the development standards contained therein, and to the uses permitted by right in the SF-5 Single-Family (SF-5) zoning district; and

- 7) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, may, with the concurrence of the Planning Director, declare the Conditional Use null and void;

Adopted this 5th Day of May 2015.

\_\_\_\_\_  
Jeff Longwell, Mayor

**ATTEST:**

\_\_\_\_\_  
Karen Sublett, City Clerk

(SEAL)

Approved as to form: \_\_\_\_\_  
Sharon Dickgrafe, Interim City Attorney

ORDINANCE NO. 50-011

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. ZON2015-00012**

Zone change from SF-5 Single-family Residential (SF-5) to LC Limited Commercial on approximately 4.94 acres (associated with CON2015-00010) described as:

Beginning 545 feet West of the Southeast corner of the Southeast Quarter; thence North 425 feet; thence West 600 feet, thence South 425 feet; thence East to the point of beginning Section 34, Township 26 Range 1 Est of the 6<sup>th</sup> P.M., Wichita, Sedgwick County, Kansas.

**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

\_\_\_\_\_  
Jeff Longwell, Mayor

**ATTEST:**

\_\_\_\_\_  
Karen Sublett, City Clerk

(SEAL)

Approved as to form: \_\_\_\_\_  
Sharon Dickgrafe, Interim City Attorney





**INTEROFFICE  
MEMORANDUM**

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**TO:** City Council  
**FROM:** Janet Johnson, Office of Community Engagement  
**SUBJECT:** **ZON2015-00012 and CON2015-00010**  
**DATE:** April 22, 2015

On Tuesday, April 21, 2015, the District V Advisory Board considered a request for a zoning change from SF-5 to LC and a conditional use for self-storage at 6008 W. 29<sup>th</sup> St. N.

**The DAB members voted 6-1 to recommend denial of the request.**

Approximately 25 neighborhood residents were present at the meeting to voice their concerns with the self-storage facility.

Concerns included:

- Having a commercial enterprise in a residential neighborhood
- A self-storage facility consisting of metal structures abutting million dollar homes
- Drainage issues, i.e. additional flooding, impact on septic systems, retention pond overflow
- Unwanted lighting and signage in a residential area
- No compelling market need for self-storage in the area
- Potential of causing an increase in crime in the area
- No limitation on the access hours of the business
- Lack of assurance that the landscaping and screening will be appropriate

Please review this information when **ZON2015-00012/CON2015-00010** is considered.

**EXCERPT MINUTES OF THE APRIL 2, 2015 WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION HEARING**

**Case No.: ZON2015-00012 and CON2015-00010** – Estate of Verna E. Cornwell, Kenneth E. Cornwell and David Cornwell co-executors (owners) and Ruggles & Bohm, PA (agent) request a City zone change from SF-5 Single-family Residential to LC Limited Commercial and City request for a Conditional Use for a self-storage warehouse on SF-5 Single-family Residential zoning on property described as:

A tract beginning 545 feet West of the Southeast corner of the Southeast Quarter; thence North 425 feet; thence West 600 feet; thence South 425 feet; thence East to the point of beginning Section 34, Township 26, Range 1 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas.

**BACKGROUND:** The applicants are requesting a zone change from SF-5 Single-Family Residential to LC Limited Commercial for 4.94 acres of a 5.5 acre unplatted parcel, located west of North Hover Road on the north side of West 29<sup>th</sup> Street North. In 1958, Sedgwick County zoned the four corners of the intersection to LC in anticipation of commercial development. The east portion of the parcel, approximately 0.45 acres, currently zoned LC, was part of that rezoning. In addition to the requested zone change to LC, the applicants have submitted a request for a conditional use to allow warehouse/self-storage on the site (CON2015-10).

The applicants have submitted a site plan of the proposed building layout, internal vehicle circulation and the access onto West 29<sup>th</sup> Street North will be reviewed and approved during platting should ZON2015-00012 and CON2015-00010 be approved. Upon approval of ZON2015-12 and the subsequent CON2015-10, the applicants will be required to file and perfect a plat within one year and provide a revised site plan giving more detail including, but not limited to, landscaping, any proposed light poles and identification of customer and employee parking.

Property north of the site is currently going through the process of rezoning to LI Limited Industrial and re-platting for use as wrecking and salvage (ZON2014-03, CON2014-001 and SUB2014-42). The Metropolitan Area Planning Commission (MAPC) has approved the zone changes subject to final platting. SUB2014-00042 is scheduled for Wichita City Council on March 24, 2015. Property east of the site is zoned LC and currently has a single family residence. The SF-20 zoned property west of the site with a condition use to allow for sand and gravel extraction (CU-242). South of the site is Barefoot Bay Subdivision, which is developed with single-family residences.

**CASE HISTORY:** This zone change application has been filed to change current zoning (SF-5) to LC. LC zoning allows warehouse/self-storage facilities with approval of CON2015-10. The land is currently undeveloped.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-5	Single-Family Residential; currently being re-platted to LI for wrecking and salvage use.
SOUTH:	SF-5	Single-family residences

EAST:	LC	Limited Commercial; currently developed with single-family residence
WEST:	SF-20	County single-family; has a conditional use to allow warehousing CU-242

**PUBLIC SERVICES:** The subject property has immediate access to West 29<sup>th</sup> Street North and North Hoover Road is approximately 600 feet east of the subject site. Both streets are two-lane arterial streets. Municipal water and sewer services and all other utilities are currently provided to the subject property.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies this site as appropriate for "Urban Residential;" however, the abutting properties are zoned LC and recently rezoned LI. The Commercial Locational Guidelines of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The conditions attached to a Conditional Use can address site design issues. The proposed use would be a low traffic generator at this location.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the proposed zone change and conditional use for warehouse/self-storage be **APPROVED**, subject to Sec. III-D.6.y and the following conditions:

1. The zone change and conditional use will not be final until the property is platted according to the Subdivision Regulations of the UZC.
2. Obtain all permits and inspection as required by the Metropolitan Area Building and Construction Department. All development will subject to platting and be per City Code including landscaping, code compliance and any other applicable standards.
3. The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards, within one year of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.
4. All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council.
5. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
6. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

The staff's recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** Property north of the site is awaiting final plat approval by the City Council for LI wrecking and salvage use. Property south of the site is zoned LC Limited Commercial ("LC") and developed with a warehouse/retail use. Property east of the site is zoned LI Limited Industrial ("LI") and is developed with a miscellaneous manufacturing use. West of the site, the property is zoned SF-20 and has a conditional use (CU-242) for warehouse use.
2. **The suitability of the subject property for the uses to which it has been restricted:** The east  $\pm$  0.45 acres of the subject property is already zoned LC. The owners of the subject property have submitted a conditional use application for the warehouse/self-storage commercial use. The property would be suitable for the commercial uses to which it has been restricted.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Warehouse/self-storage developed with the Conditional Use, will have a minimum negative effect on the area and at best improve the property, with the application of access control, landscaping, screening and the other conditions on the site.
4. **Conformance of the requested change to adopted or recognized Plans/Policies:** The Commercial Locational Guidelines of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The conditions attached to a Conditional Use can address site design issues and should mitigate any potential negative effects on surrounding properties.
5. **Impact on Community Facilities:** All public facilities are available and existing road facilities are adequate. Any increased demand on community facilities can be handled by current infrastructure.

**DALE MILLER**, Planning Staff presented the Staff Report.

**CHRIS BOHM, RUGGLES & BOHM, 924 N. MAIN STREET, AGENT FOR THE APPLICANT** reported that the architect, Jim Albertson, was also present to speak on the application. He explained that this was an application for self-storage or mini-storage where people would rent a garage space for personal storage. He referred to the site plan which they feel gives good circulation. He mentioned the north boundary line which will serve as a fence between this use and the future LI salvage operation to the north. He said the idea of establishing a PUD was discussed with staff; however, requesting LC with a conditional use provides a whole set of rules for the self-storage that already exists with the conditional use. He said there will also be landscape buffers along 29<sup>th</sup> Street to help buffer the use from residential uses to the south. He said given the locations close proximity to the industrial use to the north, they felt this was a good transitional use in the area, particularly because the corner is already zoned LC and additional LC could be developed further to the east of the location. He referred to Jim Albertson to discuss the lay out plan.

**J. JOHNSON** asked about use on the right side of the property.

**BOHM** said that is reserved for future development of additional storage units.

**FOSTER** asked about the southeast corner of the property and the zoning to the east.

**BOHM** said the southeast corner is a platted reserve for storm water retention. He said the area to the east of the site is zoned LC but is being used as residential.

**FOSTER** commented so technically no buffer is required along the east side of the property.

**BOHM** replied technically no.

**DAILEY** asked what was the buffer between the buildings and 29<sup>th</sup> Street.

**BOHM** suggested that the architect Jim Albertson answer that question.

**JIM ALBERTSON, ALBERTSON AND ASSOCIATES ARCHITECTS** said the buffer is intended to be a bermed area of grass, trees and shrubbery not unlike a golf course entrance. He said on the north side there will be brick/stone pillars with wrought iron fencing. He said the intent is to blend the architecture with homes to the south side of the street and provide a visual barrier for cars to minimize the views of the self-storage.

**JOSEPH POGGI, 6011 WEST 29<sup>TH</sup> STREET NORTH** indicated he lived south of 29<sup>th</sup> Street. He said this used to be a dirt road, there were abandoned properties with cars on them in the area and they were told when they built in this location that they knew what they were getting into. He said there used to be a small home on the property in question with a garden that he used to help till. He said this was a nice, residential street with no businesses on it. He said he believes the zoning practice in 1958 of zoning 600 feet of all arterial intersections as LC was done when there were no houses in this area at all. He said the property owner has been trying to sell the property since the house burned down at over ten times fair market value for residential property. He said the Zillow Web site talks about the property being worth \$300,000 for five acres because it is across the street from \$1,000,000 homes. He said he doesn't think there are many \$1,000,000 homes across the street from a storage unit. He said regardless of the price of the homes, there are not many self-storage units in the middle of a residential street. He said there are no other businesses on the street and there are quite a few self-storage units nearby, one less than two miles away. He asked if there is a need for another self-storage business. He said if anyone wants to see what a self-storage unit can look like, drive by the one on Hoover Road. He said it is a car lot where people park their cars and trailers; there is garbage in the lot and trees that have never grown in the buffer. He said once this property is rezoned, it opens the floodgates for further devaluation of their property. He requested that the property be left residential. He mentioned that nine of the fourteen people who were mailed notices have signed protest petitions against the proposed zoning change. He mentioned another storage unit business close by. He said there is no shortage of areas that are already zoned industrial and commercial, but it seems property becomes cheaper because it is zoned residential. He asked about changing the zoning on a property to accommodate an individual's desire verses many individual's desires to keep their homes looking beautiful. He concluded by saying that there are plenty of other properties close by that are already zoned for commercial and industrial use.

**ANGIE BOWMAN, 2987 NORTH HOOVER ROAD** said she lives on the corner of 29<sup>th</sup> Street and Hoover Road. She said she has been collecting petitions. She mentioned the other storage businesses very close to the neighborhood. She said although the corner lots are already rezoned for limited commercial, she has a signed petition from the property owner who said they are not planning on moving and that their kids will live in the house after they are gone. She indicated that other surrounding property owners don't want the storage units and mentioned a conflict of interest in that the person selling the property is renting a home from one of the people she asked to sign a petition. She said she also got a petition from the owners of the junk yard to the north of the property. She said they have a problem with unmanned self-storage units. She mentioned break-ins in the area and people coming into the community to steal. She said this would be a whole bunch of buildings with "stuff" in them which would be an open invitation to thieves. She said that is one reason not to rezone the property. She concluded by asking the Commission to consider the homeowners that live around this property.

**DAILEY** asked if there were any units available in the storage businesses located nearby.

**BOWMAN** said she checked and there were units available for rent.

**DAVE CHAMPLEY, 2760 NORTH NORTH SHORE COURT, BAREFOOT BAY HOMEOWNERS ASSOCIATION, CHAIRMAN OF THE LAKE COMMITTEE** said Barefoot Bay is a 120-acre private lake surrounded by 52 homes. He said the impact of the Commission's decision is not just on the properties located immediately adjacent to the application site. He also mentioned possible environmental impact on the lake due to increased water runoff because of increased buildings and pavement. He said the lake has flooded twice in the last ten years and caused property damage. He said he is also concerned about potential pollutants in the water runoff. He said the terrain is such that any runoff will go into the lake. He said if they do not have the lake for recreational purposes that will kill their property values. He said he might go so far as to say that the loss in property values and property taxes on 52 homes might be greater than the property tax increases from commercial use.

**BRET GRIZZEL, 5937 WEST 29<sup>TH</sup> STREET** said he lives directly across the street from the location. He mentioned that his property taxes increased 40% last year. He said he visited with the owners on how to split up the land. He mentioned that he also signed a petition to protect this property from the proposed salvage yard to the north. He said the owners know this is not good for the local community. He said although he is uncomfortable speaking against what his friends want for financial reasons, he has no doubt in his heart that this is not what they would want if they were sitting in any of the adjoining lots.

**DAVID CORNWELL, 5618 WEST 29<sup>TH</sup> STREET NORTH, APPLICANT** said he wished that the neighbors that have spoken here today had been present for the salvage proposal on the north side of his property. He said there is approximately 15-20 acres of salvage yard next to the property and no one is going to put a new home next to a salvage yard. He said if this doesn't pass, no one is going to build on this land so they may as well make a dirt bike track out of it.

**FOSTER** asked Mr. Cornwell if any other items were brought up as potential uses.

**CORNWELL** said no, if this doesn't go he said he'll contact the dirt bike people and let them use 6 acres to play on.

**RAMSEY** asked if the property line with the salvage yard has been resolved.

**CORNWELL** said yes and explained that the mile sections are measured 425 feet from the center of 29<sup>th</sup> Street. He said they are talking about less than five acres.

**BROOK GRIZZEL, 5937 WEST 29<sup>TH</sup> STREET NORTH** said they know and have spoken with the neighbors and that they are very nice people. She said she and her husband work very hard, long hours to pay for their nice home on a lake and they would like to keep it that way. She said this property is zoned residential and there was a home on it. She referenced the Golden Rules which talks about the suitability of the property for uses to which it has been restricted and the relative gain to public health, safety and welfare compared to loss in value or hardship imposed on the applicant. She said the just under five acres is way over priced for what it is worth and that the neighbors have actually offered to buy the property to protect all of the property owners along this residential road as well as the 52 homeowners along the lake.

**FOSTER** mentioned transitional uses and asked Mrs. Grizzel if she would prefer multi-family or the proposed use.

**GRIZZEL** said she wouldn't prefer either of those uses. She mentioned the number of storage units nearby and also the storage units along Hoover Road and what an eyesore they are. She said the property can be used as a single home site just as it is now.

**LINDA STEPHEN, 6111 WEST 29<sup>TH</sup> STREET NORTH** said the city just paved the road and landscaped it with trees and it is just beautiful. She said she believes this will have an adverse affect on their properties. She said she doesn't think any of the Commissioners would want a storage unit located on a residential street. She also mentioned security and traffic and asked the Commission to take all that into consideration.

**DENNIS GRIZZEL, 6461 WEST 29<sup>TH</sup> STREET NORTH** said when someone purchases residential property they expect it to remain residential property. He said the neighbors watch out for each other in Barefoot Bay and across the street in Ridgeport. He said several petitions have been signed and he believes a lot more will be signed. He said his major concern is increased traffic and the hazard it will cause pulling out of his driveway; the safety of his grandchildren; and pollution in the area. He also mentioned that the storage units will bring more pollutants and more thievery into the area. He said this use brings non-residents into the area and it is already a problem with other storage units. He asked if the "protective berm" might become a fire hazard and who will maintain that. He said some storage units look like unused parking lots where people store things they don't want to store in front of their houses. He said he feels strongly that this will deteriorate property values and bring in people that they don't want hanging around the area.

**NANCY POGGI, 6011 WEST 29<sup>TH</sup> STREET NORTH** said she lives on the south side of 29<sup>th</sup> Street. She said when they moved into the area it was a sleepy little dirt road. She said she has four children all under the age of 11 and there are numerous other school age children and grandchildren living in the area. She mentioned that the school bus picks up children along

Hoover Road. She said when the City paved the road; they put the sidewalk on the north side of the street so children in the neighborhood have to cross the road without a designated cross walk. She said she is concerned that increased traffic will put the children at risk along with the unknown entities coming into this residential area. She said 86% of this property is zoned as residential. She asked the Commission to protect the interest that they have when they moved their children and families into the neighborhood. She said the neighbors don't want LC in this region. She said even the gentleman on the north property has signed the petition because he is concerned about theft in the area. She also mentioned a home being built/expanded in the northeast corner of the property. She said her primary concerns are the safety of her children and her neighbor's children, maintaining her home value and keeping the area residential.

**MCKAY** asked how far her home was from 29<sup>th</sup> Street.

**POGGI** indicated on the aerial the location of her home on the lot, closer to the water than 29<sup>th</sup> Street. She said her children play in the front yard and they are "faunching" at the bit to cross the street and use the sidewalk to visit their friends in Ridgeport.

**DAILEY** commented that she is worried about her children but has managed to keep them out of the lake, which he believes offers as much danger as the road.

**POGGI** said she disagreed that the lake was as dangerous as the road. She mentioned training the children receive regarding the lake, swimming lessons and parental supervision while they are at the lake. She said they can control the lake area; they cannot control the traffic on 29<sup>th</sup> Street.

**DAILEY** responded but you can control your kids.

**BOHM** mentioned environmental concerns expressed by the neighbors and said although drainage is not a zoning issue, it seems to come up at every zoning hearing. He said the storm sewer system along 29<sup>th</sup> Street drains all the way to the west and bypasses the pond. He said City of Wichita storm water regulations require detention of peak flow and water quality treatment of the storm sewer before it leaves the site. He said that issue will be resolved at platting. He said as far as traffic is concerned this is an arterial street that has a new interchange to the north at K-96 and is part of the City transportation system. He said it is a three-lane arterial road meant to handle traffic and was rebuilt for that very purpose. He said as far as landscaping and the berm he is having a hard time seeing where you could get a better use tucked into the area that is as low a traffic generator and quiet and fits into the neighborhood and gives a further buffer to the neighborhood from the industrial use to the north. He concluded by stating that infrastructure put into the City is for the purposes of development. He said this is considered in-fill and has been a single-family residence for some time next to LC zoning. He reminded the Commission that the owners on the corner could sell tomorrow and without any action from this body put in a commercial use.

**FOSTER** asked about traffic generation from this use and if it was below multi-family zoning.

**BOHM** referred the question to Mr. Albertson.



**ALBERTSON** said he had been involved in approximately 15 similar type projects across the west, southwest and Midwest. He said they look for in-fill type properties where they can become a buffer between whatever elements might be at a location and existing residential. He said he appreciates the viewpoints of the neighbors and would welcome the opportunity to visit with them.

**CHAIR GOOLSBY** said time has been exhausted and asked Mr. Albertson if he needed more time or was he going to answer Commissioner Foster's question.

**ALBERTSON** requested an additional minute.

**MOTION:** To give the speaker an additional minute.

**MCKAY** moved, **J. JOHNSON** seconded the motion, and it carried.

**ALBERTSON** said traffic generation is about 6-8 cars per day.

**FOSTER** asked about the type of fencing on the east, west and north sides of the property.

**ALBERTSON** said there is solid fencing on the north at this time. He said they would put up wrought iron fences between the buildings to the east area.

**FOSTER** asked if they would be averse to solid screen fencing.

**ALBERTSON** responded no, they would not be averse to solid screen fencing.

**RAMSEY** asked about the berm on the south side.

**ALBERTSON** said the berm will be between 0-3-5-6 feet with evergreen trees and shrubbery.

**RICHARDSON** asked if the facility was manned or unmanned.

**ALBERTSON** he said there will be a full security system with cameras all around the property. He said the conditional use provides that the facility be manned. He commented that he was surprised that the salvage yard objected to their usage. He said he does not believe there is a better buffer use, that this was a difficult site to develop because it had no sewer, it will be on a septic system.

**DAILEY** clarified that this will all be inside storage so there will be no cars or other vehicles outside. He also asked if each unit were alarmed.

**ALBERTSON** said each unit will not be alarmed, but it is all inside storage. He said there is a full security system and someone will be living on-site. He said this will not look like the storage units near Zoo Boulevard.

**MCKAY** recommended requiring a 4-6 foot berm.

**FOSTER** commented as a point of clarification with a 3-1 foot slope you can get a 5-foot berm.

**RICHARDSON** clarified that the land owner would not be able to use this conditional use for other purposes without reapplying and coming back to this body. He also asked about outside storage.

**MILLER** responded that if the base zoning is changed, the uses permitted by right in the LC district would be allowed. He said the conditional use for the self-storage would run with the land. He said the LC district does not allow any outside storage.

**RICHARDSON** asked if there was a summary on the number of petitions received and the percentage of landowners opposed to the zone change.

**MILLER** said no and indicated that owners within 350 feet of the property perimeter were notified of the zone change.

**DIRECTOR SCHLEGEL** clarified that protest petitions are due in after action by the Planning Commission and are not required for the public hearing.

**FOSTER** said he is concerned about other permitted uses in the LC zoning district. He said he doesn't have the zoning book with the permitted uses but believes there would be some that are more detrimental to the surrounding area.

**MILLER** mentioned multi-family, offices and most retail commercial activities. He said bars and taverns would require a conditional use approval and a public hearing and would not be allowed by right in the LC zoning.

**MCKAY** (Out @2:55 p.m.)

**J. JOHNSON** said he didn't know how he was going to vote but mentioned the Comprehensive Plan indicating the area as being residential. He said when someone buys into a nice development it seems like they should be able to have some reliance on the Comprehensive Plan that it will be residential.

**RICHARDSON** asked about a PO that limits commercial uses to the storage facility.

**MILLER** said the Commission could add a condition under the conditional use or exclude whatever uses they didn't want.

**RICHARDSON** said he believes this is a valid transitional use.

**MILLER** said the Commission could have a condition that states that even though the property is zoned LC, the only use permitted is a self-service storage warehouse and uses in the SF-5 district.

**ALBERTSON** said he would need to confer with the owners but he believes they can accept that yes.

**RAMSEY** said he lives in Ridgeport and drives 29<sup>th</sup> Street every day and he is the only car on the road. He said he didn't know how he was going to vote on this issue. He said he agreed that the storage units on Hoover Road look bad because of the outside storage. He said with staff recommendations and other recommendations he doesn't see where the Commission has any other choice. He said he feels their pain and does not know if he wants this use.

**FOSTER** asked the agent if they prefer that the item be deferred until clarification can be made regarding limiting uses in the LC zoning.

**ALBERTSON** said he would prefer that the Commission vote today.

**FOSTER** said as long as the uses can be clarified because he feels that some type of restrictions is appropriate.

**ALBERTSON** said if the request will be defeated he would prefer deferral. He said he believes they have agreed to a condition for self-storage only which he believes solves the problem.

**MOTION:** To approve subject to staff recommendation with the requirement of a 4-5 foot berm on 29<sup>th</sup> Street; limit use to inside storage only and limit use to self-storage only.

**WARREN** moved, **B. JOHNSON** seconded the motion.

**FOSTER** asked the agent if they were comfortable with the restrictions.

**ALBERTSON** replied yes.

The **MOTION** carried (11-0)

**RECEIVED**

**APR 29 '15**

April 29, 2015

**CITY CLERK OFFICE**

Dear Councilmen:

Recently the Planning Commission, upon the recommendation contained in the staff report submitted to it, approved rezoning and a conditional use of property on W. 29<sup>th</sup> St. N. near the intersection of Hoover in Case No. ZON2015-00012 and CON2015-00010. The proposition is to change the zoning of the property from single family residential (SF-5) to limited commercial (LC) and then allow a self-storage/warehouse facility to be built. Obviously we, the surrounding homeowners, are dissatisfied with this action and for good reason.

Strong Community Opposition

At least nine adjacent landowners (those of us who live in homes along the south side of 29<sup>th</sup> Street across from where this storage unit facility would be located) spoke out against this request at the MAPC hearing on April 2, 2015. Many petitions were also filed that day in an effort to make it very clear how much the neighboring households object to this zoning change. Indeed, enough petitions have been received by the City Clerk to require a super-majority to pass the change. Several of the affected homeowners also attended and spoke at the District V Advisory Board meeting on April 21, 2015.

Unfortunately, the zoning change request was approved during the MAPC public hearing with several conditional use specifications, such as a 4-5 ft. berm requirement along 29<sup>th</sup> Street as well as only indoor storage (no outdoor storage allowed). Many of us are very discouraged by the decision made by the MAPC to approve the zoning change. Several of the conditions discussed at the meeting did not make it into the final notice sent out after the hearing including the prohibition on outdoor storage and the height of the berm. Five of the eight lots along the south side of 29<sup>th</sup> Street along with neighbors adjacent to the property and homeowners from Hoover were represented at the MAPC hearing objecting to the zoning change. Approval of the zoning change would allow a self-storage complex to be built smack in the middle of a street lined with single family residences.

MAPC relied on inaccurate or false information in making its decision

The hearing before the MAPC was neither fair nor was the information the Commission relied upon accurate. The MAPC staff report regarding this case states that the "staff's recommendations" were based on several findings, all of which contain false or misleading information. The first finding listed on page 3 of the staff report contains several pieces of false information. First, the finding that the property south of the site is zoned LC and developed with a warehouse/retail use is completely false. The property south of the site is actually our home (5937 W. 29<sup>th</sup> St. N.), and the entire south side of the street is lined with single-family residences (large lots along the backside of Barefoot Bay-known as "Barefoot Bay, 2<sup>nd</sup> addition). Second, the finding "Property east of the site is zoned LI Limited Industrial ("LI") and is developed with a miscellaneous manufacturing use" is also false. The property directly east of the subject property is currently zoned LC and completely developed with single family homes. Third, the finding that "West of the site, the property is zoned SF-20 and has a conditional use (CU-242) for warehouse use" is also untrue and misleading. The property directly west of the subject property is zoned SF-20 but it does not have an approved conditional use for

warehouse/storage attributed to it. In fact, the current owner intends to develop the parcel as residential property.

The MAPC staff report finding #2 “suitability of the subject property for the uses to which it has been restricted” states that the east 0.45 acres of the subject property is already zoned LC. That 0.45 acres is less than 10% of the property (which is just under 5 acres). The remaining 4.5 acres is zoned SF-5 (Single-family residential) and is perfectly suitable for that intended use. In fact, there was a home on the property until it burned down. The property can undoubtedly be used as it is currently zoned. This property is within the Maize USD 266 district, which is widely considered to be one of the top districts in the area. We believe the zoning should remain as-is.

Finding #3 is conclusory and pro forma and does not actually address the issue of the impact on nearby properties. Rather it states the restriction removal “will have a minimum negative effect on the area and at best improve the property,” without any explanation or discussion. It does not at all address the effects lifting the restrictions will have on neighboring properties.

Rezoning will substantially affect surrounding property values and harm us for years to come. We requested an official opinion on the likely effect the rezoning will have on our property values. As you can see in the attached opinion, simply changing the surroundings of these homes has a dramatic effect on value. Given the comparable sales cited in Ms. Buck’s letter, a conservative estimate shows at least a 25-30% reduction in sales price should be expected and possibly as high as 50%. Considering these are million-dollar-plus homes, that is a significant reduction in property values and revenue to the county and city.

In fact, we feel so strongly regarding the future use of the property, that we have personally offered to buy the parcel for well above market value to protect the future value of the surrounding homes and the surrounding lake. We offered to pay the landowner upwards of \$100,000 for the 5 acres, as it currently sits (well over what the land is worth given the Sedgwick County Assessor’s appraised value of approximately \$30,000). The owner declined. Whether this refusal to consider a more than reasonable offer to purchase the property evidences a lack of understanding of property values or a calculated move to bolster the application for rezoning is anyone’s guess. It is facetious, at best, for the current owner to claim he is unable to sell or develop the property as it is currently zoned when he rejects an offer of more than triple the appraised value.

Finding #4, while not technically inaccurate, does not accurately depict the entirety of the circumstances. The original zoning classification of LC at certain intersections occurred in 1958. The 2030 Comprehensive Plan was last updated in 1999. Enclosed are three maps from the Wichita.gov website to illustrate the changing face and needs in this community. The first depicts the current zoning of the subject property as adopted in 1958 with the LC portion depicted in red. The second is the projected land use guide from the 2030 Comprehensive Plan. The maps reflect that the portion of the subject property that is projected to be proper for limited commercial (again depicted in red) in the 2030 Comprehensive Plan is less than the area originally zoned LC in 1958. In fact, only one small corner of the subject property was included as being proper for LC development in the 2030 Land Use Guide. The third map is the 2035 Future Growth Concept Map from the Draft 2035 Comprehensive Plan. On it, while there is

clearly recognition of the industrial properties to the north (in purple), the surrounding properties including the subject property are all designated as appropriate for residential development. The Future Growth Map of the Draft Plan does not contemplate commercial development at all in this area as evidenced by the lack of pink at the intersections of 29<sup>th</sup> Street and Hoover.

The current comprehensive plan was last updated in 1999. At the time of its adoption, the need to update the plan on a regular basis because of the changing communities and local landscape was recognized. Within the terms of the plan itself is the requirement that the plan be updated every five years. Currently, it is only partially correct to say that the proposed zoning and conditional use is in conformance with the current accepted plan given the tiny portion of the property identified in the 2030 plan. Once the 2035 Comprehensive Plan is adopted, the answer to the question whether the proposed use is in conformance with the accepted plan will be a resounding no. The 2035 Future Growth Map clearly shows that commercial enterprises are not proper in the subject area.

The surrounding homeowners already presented many of our concerns at the MAPC hearing, including environmental concerns that the storage unit complex will create more pollutants that will drain into our private neighborhood lake (Barefoot Bay), safety concerns centering on our young children, major concerns over increased traffic in and out of a storage unit facility at all hours of day/night, and the increased crime this may bring. According to data from the 2015 self-storage almanac Wichita has the more square feet of self storage per person than any of the country's one hundred largest metro areas. There are more the 160 self-storage facilities in Wichita whose overall occupancy rate is approximately 80%. There is not a current need for additional storage especially given that there are several existing within a five mile radius. We will not repeat all of those concerns here. However, we want to point out one further issue.

The final finding in the staff report is any increased demand on community facilities can be handled by existing infrastructure. We are not environmental engineers or anything of the sort; however, there seems to be considerable question as to whether this finding is true. Questions have been raised regarding retention ponds and drainage. The staff continually defers to the applicant's representatives who admit that the drainage has not been completely designed. What is clear is that flooding and drainage issues currently exist and were exacerbated by the widening and paving of 29<sup>th</sup> Street. There is litigation regarding the sufficiency of storm water drainage and increased flood risk. It is also clear that the water collected and increased by the proposed use will ultimately end up on Barefoot Bay Lake, although there seems to be considerable debate on where the entry point to the lake will actually be placed. A bare-bones statement that existing infrastructure is sufficient to handle additional storm water/water run-off completely overlooks these issues. Not only is existing infrastructure insufficient, the changes necessary to make the infrastructure sufficient cannot be described with specificity.

We respectfully request that this application for rezoning and conditional use be denied. As we have discussed above, the property's current zoning is appropriate and the landowner has had ample opportunity to sell or develop the property. Further, the surrounding homeowners will suffer significant harm if this rezoning and conditional use is approved. Finally, the information the MAPC relied upon in approving this rezoning and conditional use was inaccurate, incomplete, misleading and in some places completely false. Given the issues

contained in the Staff Report, we think anyone would be hard-pressed to find someone who believes that this issue had a fair hearing.

Respectfully,

Drs. Brett and Brooke Grizzell  
5937 W. 29<sup>th</sup> St. N.  
Wichita, KS 67205

Encls.



PLAZA REAL ESTATE

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City Council Members  
455 N. Main  
Wichita, KS 67202

RE: ZON 2015-00012 and CON2015-00010 City zone change from SF-5 Single-Family Residential (SF-5) to Limited Commercial (LC) and Conditional use to permit a self-service warehouse on property generally located north of West 29<sup>th</sup> Street North, one-quarter mile west of North Hoover Road.

Dear Counsel Members,

I have been asked by several homeowners near this rezoning request, to express my opinion as to values of their homes in the event this request is approved.

I have assisted with sales of many homes in this community and could verify when a home is near a commercial or industrial property, the value of your home will decline. Depending on the type and usage of the commercial property, the devaluation could be as much as 10% or greater. When I am representing a buyer as a buyer's agent, I always express resale value is less when you share a view with commercial, industrial or a major high-way in your front, side or back yard.

Several homes along 29<sup>th</sup> street are upper scale with values of over \$1 Million. One is currently listed for \$3.5 million. Behind these homes (to the south) is a Lake commonly known as Barefoot Bay Lake, which is used for recreational purposes. The majority of the homes in this subdivision would also be classified in the upper scale of homeownership. The owner of the land/lake to the immediate west of the requested zone change has been in the process of developing lots for another upscale development.

Along to the West on 29<sup>th</sup> is Ridgeport, which is another upscale boating development. And yet, another single family boating development is planned for the area to the east of the Hoover Road and 29<sup>th</sup> intersection of which dredging has been ongoing for approximately the past 5 years preparing for this new area. Aesthetically, the requested storage building with large signs, tall buildings, added traffic, additional lighting, safety and drainage issues, does not appear to fit with the existing homes along and near this requested change. The majority of homes next to and near this area are single family.

A few examples of loss of value (in the Barefoot Bay Subdivision) are as follows:

2613 N. North Shore Cr (view of concrete plant & R.R. Tracks) sold for \$135 sq.ft.  
2717 N. North Shore CR (view of concrete plant & R.R. Tracks) sold for \$129 sq.ft.



6303 W. 29<sup>th</sup> St. (Wooded & lake views) sold for \$167 sq.ft. 6111 W. 29<sup>th</sup> St. (Wooded & lake views)  
sold for \$222 sq.ft.  
5937 W. 29<sup>th</sup> St. (Wooded & lake views) sold for \$237 sq.ft.

Homeowner near and next to this request for zone change would appreciate your vote for a  
" Denial of the zone change ".

Thank you for your consideration,

*Sharon Buck 4/27/15*

Sharon Buck, Broker Associate  
Coldwell Banker Plaza Real Estate  
516-5568



**BERKSHIRE HATHAWAY | PenFed Realty**  
HomeServices

April 29th, 2015

To whom it may concern:

RE: Real Estate Values in Single Family Neighborhoods combined with Commercial Properties

With my 14 years as a Realtor, I have observed many properties that have views of or are neighbors of Commercial properties, busy streets, and/or industrial sites, and these properties are always sold for lessor values. This is referred to as External Economic Obsolescence, a form for value depreciation from a source outside of the control of the actual landowner.

Buyers prefer neighborhoods with other homes similar to theirs which provides a sense of safety, beauty, and amenities for their family. Amenities would include pools, playgrounds, green belts, and lakes.

A storage facility, warehouse, business or heavy traffic would be a negative valuation to any single family neighboring homes. Obviously, some property will have to be affected by these external negative factors, but it is in the best interest of property owner in maintaining property values that these external factors are at the bare minimum possible.

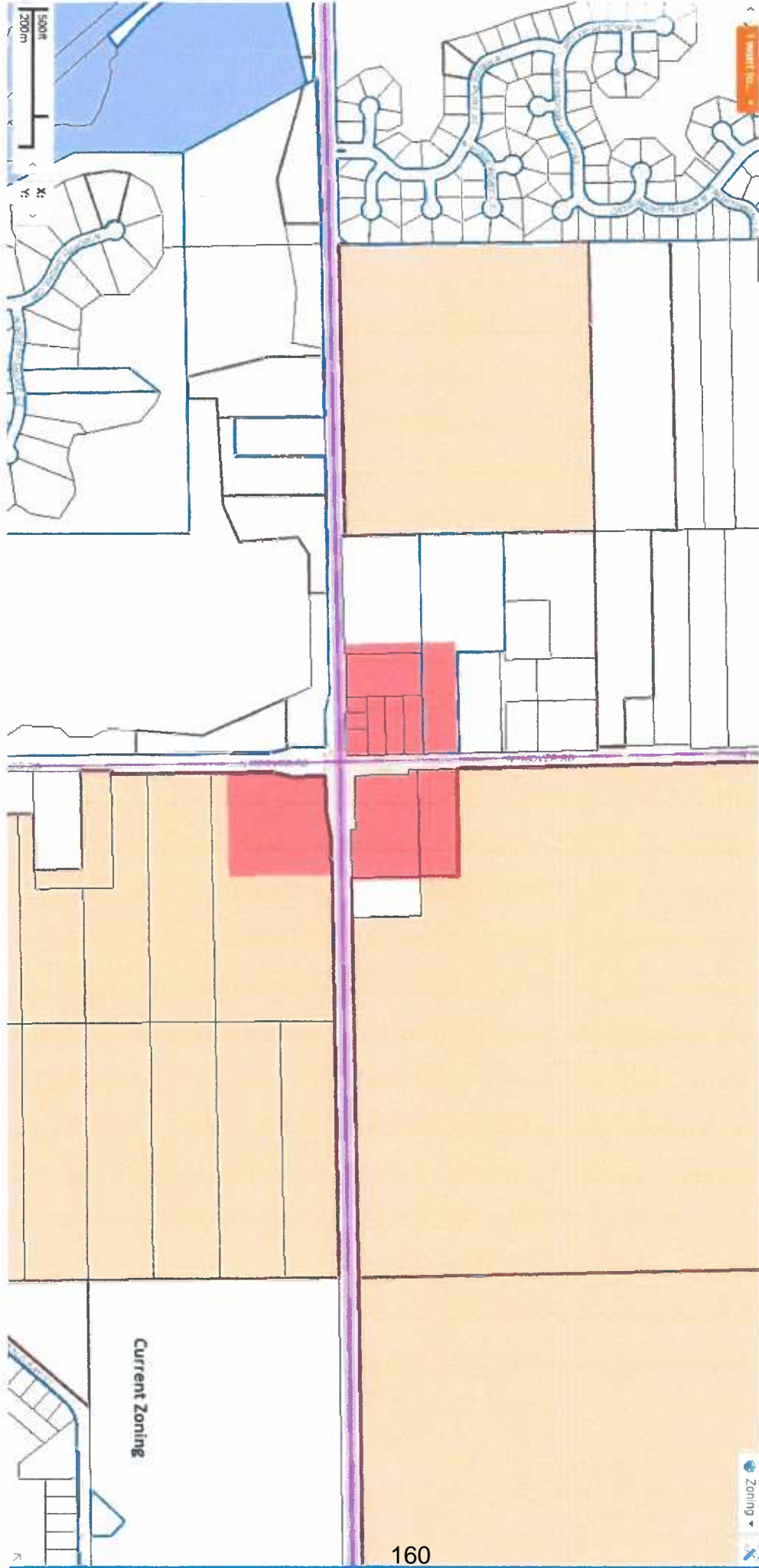
Should you have any questions, please do not hesitate to contact me.

Best Regards,

Dave Brown,

Berkshire Hathaway Pen Fed Realty  
12021 E. 13th STE 100  
Wichita, KS 67206  
316-461-6297









City of Wichita  
City Council Meeting  
May 5, 2015

**TO:** Wichita Housing Authority Board

**SUBJECT:** Public Hearing – Capital Fund Program 2015 Grant and 2015-2019 Five-Year Action Plan

**INITIATED BY:** Housing and Community Services Department

**AGENDA:** Wichita Housing Authority Board (Non-Consent)

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**Recommendation:** Conduct the public hearing and close the hearing, and approve the Wichita Housing Authority (WHA) Public Housing Capital Fund Program 2015-2019 Five-Year Action Plan and 2015 Annual Statement including the allowed transfer of 25 percent of the annual grant to Public Housing operations.

**Background:** Public Housing Authorities must carry out all development, capital and management activities in accordance with the United States Housing Act of 1937 (the Act). The Capital Fund Program (CFP) Final Rule published October 24, 2013 and made effective November 25, 2013 requires Housing Authorities to submit Capital Fund Program documents separately from the PHA Annual Plan. The Wichita Housing Authority submitted its 2015 Annual Plan and Five-Year Plan in October, 2014.

The specific Capital Fund documents which are required are a Five-Year Action Plan and the 2015 Annual Statement. WHA staff presented these documents to the Tenant Advisory Board at its regular meeting on March 11, 2015. The Board approved the Five-Year Action Plan and 2015 Annual Statement without comment.

On March 16, 2015 staff posted the Five-Year Action Plan and Annual Statement on the Housing and Community Services website. No public comments were received.

**Analysis:** The proposed WHA Capital Fund Program Five-Year Action Plan and 2015 Annual Statement will implement a provision for 2015 awards only. Normally only 20 percent of the annual award can be transferred to Public Housing operations, however the limit has been raised to 25 percent for this year only. This must be approved as part of the Five-Year Action Plan. The 2015 grant award is \$774,141; 25 percent of that amount is \$193,535 which can be used for operations.

Plans for the 2015 CFP grant include continuing to install new kitchen cabinets in some senior high rise apartments, install Energy Star lighting in the Greenway Manor common area, seal and stripe the McLean Manor parking lot, and install Energy Star replacement windows in selected single family units.

**Financial Considerations:** There is no impact to the General Fund with this action.

**Legal Considerations:** The Capital Fund Program Five-Year Action Plan and 2015 Annual Statement are required by HUD. The Law Department has reviewed and approved the certifications as to form.

**Recommendation/Action:** It is recommended that the Wichita Housing Authority Board conduct the public hearing, close the hearing, approve the Wichita Housing Authority (WHA) Public Housing Capital

Fund Program 2015-2019 Five-Year Action Plan and 2015 Annual Statement including the allowed transfer of 25 percent of the annual grant to Public Housing operations and authorize the necessary signatures to certify the documents for submission to the U.S. Department of Housing and Urban Development (HUD).

**Attachments:**

HUD Form 50075.1 CFP 2015 Annual Statement

HUD Form 50075.2 CFP 2015-2019 Five-Year Action Plan

Statement of Significant Amendment

Lobbying Form SFLLL

HUD Form 50077 Certification of Compliance with Public Hearing and Civil Rights

HUD Form 50071 Certification of Payments to Influence Federal Transactions

Certification for a Drug-Free Workplace

**Statement of Significant Amendment/Modification**  
City of Wichita Housing Authority

(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification"

Significant Amendment or Substantial Deviation/Modification - as referenced in the *Quality Housing and Work Responsibility Act of 1998, Section 511, (g)*, a significant amendment or modification to the annual plan may not be adopted, other than at a duly called meeting of the governing board of the public housing agency that is open to the public after a 45 day public notice; and be implemented, until notification of the amendment or modification is provided to the Secretary of the Department of Housing and Urban Development (HUD) and approved. Amendments or modifications, which are **not** defined as being significant and **will not** be subject to a public meeting with a 45 day public notice and notification to the Secretary of HUD will be the following amendments or modifications:

1. The transfer of work projects, from one grant year to another in the Capital Fund Program (fungibility), which are included in the approved Capital Fund Program 5-Year Action Plan;
2. The transfer of funds in the Capital Fund Program from one line item to another within the same grant year budget;
3. Additional work projects funded by the Capital Fund Program not included in the 5-Year Action Plan, which have been deemed to be emergencies;
4. Policy changes resulting from HUD or other federal agency mandates, regulations, or directives; and
5. Any changes in the Housing Choice Voucher Administrative Plan or Public Housing Admissions and Continued Occupancy Policy, which are not specifically described in the HUD PHA 5-Year and Annual Plan or required PHA Plan elements.



Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 06/30/2017

<b>Part I: Summary</b>					
<b>PHA Name: City of Wichita Housing Authority</b>		<b>Grant Type and Number</b> Capital Fund Program Grant No: KS16P00450115 Replacement Housing Factor Grant No: NA Date of CFFP: NA			<b>FFY of Grant: 2015</b> <b>FFY of Grant Approval: 2015</b>
<b>Type of Grant</b> <input checked="" type="checkbox"/> <b>Original Annual Statement</b> <input type="checkbox"/> <b>Reserve for Disasters/Emergencies</b> <input type="checkbox"/> <b>Revised Annual Statement (revision no:                      )</b> <input type="checkbox"/> <b>Performance and Evaluation Report for Period Ending:</b> <input type="checkbox"/> <b>Final Performance and Evaluation Report</b>					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost <sup>1</sup>	
		Original	Revised <sup>2</sup>	Obligated	Expended
1	Total non-CFP Funds	NA			
2	1406 Operations (may not exceed 20% of line 21) <sup>3</sup> 25% per 2015 Appropriations Act	193,535			
3	1408 Management Improvements	5,000			
4	1410 Administration (may not exceed 10% of line 21)	77,414			
5	1411 Audit	1,500			
6	1415 Liquidated Damages	NA			
7	1430 Fees and Costs	92,897			
8	1440 Site Acquisition				
9	1450 Site Improvement	90,000			
10	1460 Dwelling Structures	313,795			
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures				
13	1475 Non-dwelling Equipment				
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities <sup>4</sup>				

<sup>1</sup> To be completed for the Performance and Evaluation Report.

<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.

<sup>4</sup> RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
**Expires 06/30/2017**

<b>Part I: Summary</b>					
<b>PHA Name:</b> City of Wichita Housing Authority		<b>Grant Type and Number</b> Capital Fund Program Grant No: KS16P00450115 Replacement Housing Factor Grant No: NA Date of CFFP: NA		<b>FFY of Grant:20105</b> <b>FFY of Grant Approval: 2015</b>	
<b>Type of Grant</b> <input checked="" type="checkbox"/> <b>Original Annual Statement</b> <input type="checkbox"/> <b>Reserve for Disasters/Emergencies</b> <input type="checkbox"/> <b>Revised Annual Statement (revision no:           )</b> <input type="checkbox"/> <b>Performance and Evaluation Report for Period Ending:</b> <input type="checkbox"/> <b>Final Performance and Evaluation Report</b>					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost <sup>1</sup>	
		Original	Revised <sup>2</sup>	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant:: (sum of lines 2 - 19)	774,141			
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security - Soft Costs				
24	Amount of line 20 Related to Security - Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures	101,961			
<b>Signature of Executive Director Mary K. Vaughn</b>		<b>Date 3/09/2015</b>	<b>Signature of Public Housing Director</b>		<b>Date</b>

<sup>1</sup> To be completed for the Performance and Evaluation Report.

<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.

<sup>4</sup> RHF funds shall be included here.

<b>Part II: Supporting Pages</b>								
PHA Name: City of Wichita Housing Authority			<b>Grant Type and Number</b> Capital Fund Program Grant No: KS16P00450115 CFFP (Yes/ No): No Replacement Housing Factor Grant No: NA			<b>Federal FFY of Grant: 2015</b>		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised <sup>1</sup>	Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>	
KS004000001	Kitchens	1460	10 units	30,650				
	Energy Star lighting (GM Common)	1460	86 units	40,000				
	Site improvements – parking lot seal	1450	90 units	80,000				
KS004000002	Energy Star lighting	1460	50 units	30,078				
KS004000003	Energy Star Window replacements	1460	10 units	34,000				
	Single family rehabilitation	1460	2 units	50,000				
	Site improvements	1450						
	Storage sheds							
KS004000004	Roof replacements	1460	10 units	50,000				
	Interior rehabilitation	1460	15 units	79,067				
	Site improvements	1450	5 units	10,000				
	Energy Star improvements							

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

<sup>2</sup> To be completed for the Performance and Evaluation Report.

Annual Statement/Performance and Evaluation Report  
Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
OMB No. 2577-0226  
**Expires 06/30/2017**

[illegible]

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

<sup>2</sup> To be completed for the Performance and Evaluation Report.

<sup>1</sup> Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

<sup>1</sup> Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

# DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB

0348-0046

(See reverse for public burden disclosure.)

<b>1. Type of Federal Action:</b> <input checked="" type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance		<b>2. Status of Federal Action:</b> <input checked="" type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award		<b>3. Report Type:</b> <input checked="" type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change <b>For Material Change Only:</b> year _____ quarter _____ date of last report _____	
<b>4. Name and Address of Reporting Entity:</b> <input checked="" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known:  Congressional District, if known: 4c			<b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b>  Congressional District, if known:		
<b>6. Federal Department/Agency:</b> U.S. Department of Housing and Urban Development			<b>7. Federal Program Name/Description:</b>  CFDA Number, if applicable: 14.872		
<b>8. Federal Action Number, if known:</b> NA			<b>9. Award Amount, if known:</b> \$ 774,141.00		
<b>10. a. Name and Address of Lobbying Registrant</b> (if individual, last name, first name, MI): Goter, Dale 455 N. Main Wichita, KS 67202			<b>b. Individuals Performing Services</b> (including address if different from No. 10a) (last name, first name, MI): NA		
<b>11.</b> Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.			Signature: _____ Print Name: Jeff Longwell Title: Mayor and Chairman, Wichita Housing Authority Board Telephone No.: (316) 268-4333      Date: 05/05/2015		
<b>Federal Use Only:</b>					Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

**Capital Fund Program—Five-Year Action Plan**

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
OMB No. 2577-0226  
Expires 08/30/2011

<b>Part I: Summary</b>						
PHA Name/Number		Locality: City of Wichita/Sedgwick County/Kansas			Original 5-Year Plan	Revision No:
A.	Development Number and Name	Work Statement	Work Statement for Year 2	Work Statement for Year 3	Work Statement for Year 4	Work Statement for Year 5
		FFY <u>2015</u>	FFY <u>2016</u>	FFY <u>2017</u>	FFY <u>2018</u>	FFY <u>2019</u>
B.	Physical Improvements Subtotal	Annual Statement	403,795	403,795	403,795	403,795
C.	Management Improvements		5,000	5,000	5,000	5,000
D.	PHA-Wide Non-dwelling Structures and Equipment		0	0	0	0
E.	Administration		77,414	77,414	77,414	77,414
F.	Other Fees & Costs; Audit		94,397	94,397	94,397	94,397
G.	Operations 25% 2015		193,535	193,535	193,535	193,535
H.	Demolition		0	0	0	0
I.	Development		0	0	0	0
J.	Capital Fund Financing – Debt Service		0	0	0	0
K.	Total CFP Funds		774,141	774,141	774,141	774,141
L.	Total Non-CFP Funds					
M.	Grand Total		774,141	774,141	774,141	774,141



**U.S. Department of Housing and Urban Development**  
**Office of Public and Indian Housing**  
**OMB No. 2577-0226**  
**Expires 4/30/20011**

[illegible]

**Part II: Supporting Pages – Physical Needs Work Statement(s)**

Work Statement for Year 1 FFY _____	Work Statement for Year <b>FFY 2016</b>			Work Statement for FFY 2017		
	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost
See	KS004000001			KS004000001		
Annual Statement	Energy Star Lighting (MM Common)	86 units	50,000	Domestic hot water heater	86 units	27,000
	Kitchens	22 units	72,655	Kitchens	13 units	43,000
	KS004000002			KS004000002		
	Replace refrigerators	28 units	17,000	Energy saving improvements	50 units	13,000
	KS004000003			KS004000003		
	Energy Star Window Replacements	11 units	60,000	Energy Star Window	12 units	75,028
	Site improvements	5 units	31,000	Site improvements	4 units	20,000
	Storage sheds			Storage sheds		
	Single family rehabilitation	2 units	52,718	Single family rehabilitation	2 units	50,000
	Energy saving improvements			Energy saving improvements		
	KS004000004			KS004000004		
	Energy Star Window Replacements	12 units	65,000	Energy Star Window	12 units	75,346
	Storage sheds			Interior rehabilitation	15 units	75,421
	Interior rehabilitation	10 units	55,422	Roof replacements	5 units	25,000
	Site improvements			Energy saving improvements		
	Energy saving improvements					
Subtotal of Estimated Cost			\$403,795	\$403,795		

**Part II: Supporting Pages – Physical Needs Work Statement(s)**

Work Statement for Year 1 FFY _____	Work Statement for Year 2018			Work Statement for Year: 2019		
	FFY			FFY		
	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost
See	KS004000001			KS004000001		
Annual	Smoker Shelter for Smoke Free Housing	176 units	16,000	Rehabilitate or Replace Windows	86 units	261,922
Statement	Kitchens	12 units	41,000	Kitchens		
	KS004000002			KS004000002		
	Smoker Shelters for Smoke Free Housing	50 units	8,000			
	KS004000003			KS004000003		
	Energy Star Energy Star Window	12 units	71,873	Energy Star Energy Star Window	12 units	71,873
	Site improvements	5 units	20,000	Site improvements	5 units	20,000
	Storage sheds			Storage sheds		
	Single family rehabilitation	2 units	50,000	Single family rehabilitation	2 units	50,000
	Energy saving improvements			Energy saving improvements		
	KS004000004			KS004000004		
	Energy Star Energy Star Window	16 units	97,845	Energy Star Energy Star Window		
	Storage sheds			Storage sheds		
	Interior rehabilitation	19 units	99,077	Interior rehabilitation		
	Site improvements			Site improvements		
	Energy saving improvements			Energy saving improvements		
	Sub-total of estimated costs			Sub-total of estimated costs		\$403,795

Work Statement for Year 1 FFY <u>2015</u>	Work Statement for Year		Work Statement for Year:	
	FFY 2016		FFY 2017	
	Development Number/Name General Description of Major Work Categories	Estimated Cost	Development Number/Name General Description of Major Work Categories	Estimated Cost
See				
Annual				
Statement				
Subtotal of Estimated Cost		\$	Subtotal of Estimated Cost \$	

[illegible]

# Certification for a Drug-Free Workplace

U.S. Department of Housing  
and Urban Development

Applicant Name

Program/Activity Receiving Federal Grant Funding

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

**2. Sites for Work Performance.** The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

Check here ☐ if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.

(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

Title

Signature

Date

X

# Certification of Payments to Influence Federal Transactions

U.S. Department of Housing  
and Urban Development  
Office of Public and Indian Housing

OMB Approval No. 2577-0157 (Exp. 01/31/2017)

Applicant Name

City of Wichita Housing Authority

Program/Activity Receiving Federal Grant Funding

Capital Fund Program Grants

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.  
**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

Jeff Longwell

Title

Mayor and Chairman, Wichita Housing Authority

Signature

Date (mm/dd/yyyy)

05/05/2015

**PHA Certifications of Compliance  
with PHA Plans and Related  
R e g u l a t i o n s**

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
OMB No. 2577-0226  
Expires 08/30/2011

**PHA Certifications of Compliance with the PHA Plans and Related Regulations:**

**Board Resolution to Accompany the PHA 5-Year and Annual PHA Plan**

*CFR 2015-2019 Action Plan and 2015 Annual Statement*

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the 5-Year and/or ✓ Annual PHA Plan for the PHA fiscal year beginning, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:*

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA certifies that there has been no change, significant or otherwise, to the Capital Fund Program (and Capital Fund Program/Replacement Housing Factor) Annual Statement(s), since submission of its last approved Annual Plan. The Capital Fund Program Annual Statement/Annual Statement/Performance and Evaluation Report must be submitted annually even if there is no change.
4. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
7. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
8. For PHA Plan that includes a policy for site based waiting lists:
  - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2006-24);
  - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
  - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
  - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
  - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
10. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
11. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
12. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.



13. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
14. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
15. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
16. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
17. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
18. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
19. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
20. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
21. The PHA provides assurance as part of this certification that:
  - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
  - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
  - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
22. The PHA certifies that it is in compliance with all applicable Federal statutory and regulatory requirements.

City of Wichita Housing Authority  
PHA Name

KS004  
PHA Number/HA Code

5-Year PHA Plan for Fiscal Years 20 - 20

Annual PHA Plan for Fiscal Years 20 - 20

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official Jeff Longwell	Title Mayor and Chairman, Wichita Housing Authority Board
Signature	Date 05/05/2015

**PRELIMINARY ESTIMATES  
FOR CITY COUNCIL MAY 5, 2015**

- a. Kackley Circle from the east line of Pepper Ridge, east to and including the cul-de-sac; and on Kackley Court from the north line of Kackley Circle north to the north line of Lot 1, Block A to serve Tyler's Landing 4th Addition (east of Tyler, south of 37th Street North) (472-84755/766322/490343) Does not affect existing traffic. (District V) - \$252,000.00
- b. Stormwater Drain #395 to serve The Steppes at Ark Valley Addition (north of Harry, east of 127th Street) (468-84980/751529/485420) Does not affect existing traffic. (District II) - \$185,000.00
- c. CDBG Sidewalk Improvements FY 2014 (11th Street, Grove to Volutsia) (472-85216/92423/) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$35,000.00
- d. 37th Street and Hillside Intersection (37th Street and Hillside) (472-85161/707068/211532) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$1,045,000.00
- e. Tyler Road from 29th Street North to 37th Street North (north of 29th, east of Maize) (472-84700/706991/636311/208456/774080) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$3,952,000.00
- f. Red Oaks from the south line of Red Oaks Court, north to the west line of Summerfield; on Summerfield from the west line of Red Oaks, east and south to the north line of Crestwood; on Crestwood from the east line of Red Oaks, east to the east line of Summerfield; on Crestwood Court from the south line of Crestwood, south to the south line of Lot 10, Block A; and on Red Oaks Court from the west line of Red Oaks, west to and including the cul-de-sac to serve Waterfront 7th Addition (north of 13th Street North, east of Webb) to serve Waterfront 7th Addition (north of 13th Street North, east of Webb) (472-85188/766329/490350) Does not affect existing traffic. (District II) - \$410,000.00
- g. Red Oaks Entrance Road (Commercial) One-half of Red Oaks from the east line of Waterfront Parkway, east and north to the south line of Red Oaks Court to serve Waterfront 7th Addition (north of 13th Street North, east of Webb) (472-85189/766328/490349) Does not affect existing traffic. (District II) - \$116,000.00
- h. Red Oaks Entrance Road (Residential) One-half of Red Oaks from the east line of Waterfront Parkway, east and north to the south line of Red Oaks Court to serve Waterfront 7th Addition (north of 13th Street North, east of Webb) (472-85190/766330/490351) Does not affect existing traffic. (District II) - \$116,000.00

City of Wichita  
City Council Meeting  
May 5, 2015

**TO:** Mayor and City Council

**SUBJECT:** Water Line Extension to Serve Parkwilde Addition (District VI)

**INITIATED BY:** Department of Public Works & Utilities

**AGENDA:** Consent

---

**Recommendation:** Approve the petition and adopt the resolution.

**Background:** The signature on the petition represents 100% of the resident owners and 100% of the improvement district area. The petition is valid per Kansas Statute 12-6a01.

**Analysis:** The project will extend a new waterline from an existing waterline in Florence Street along the north side of Newell Avenue and will connect to the existing waterline in Tracy Street (south of Central, west of West). The existing waterline in Newell Avenue is a concrete water line so a new line needs to be installed to allow the development at this property to have water services. The City of Wichita is splitting this cost with the property owner to create a redundant feed or loop in the system.

**Financial Considerations:** The estimated cost of the water line extension is \$26,000, with 50% being assessed to the improvement district on a square foot basis and 50% being paid for by the City-at-large. The funding source for the City portion is the 2011-2020 Adopted Capital Improvement Program (CIP) W-67, Distribution Mains Replacement.

**Legal Considerations:** The petition and resolution have been reviewed and approved as to form by the Law Department.

**Recommendations/Actions:** It is recommended that the City Council approve the project, adopt the resolution, and authorize all necessary signatures for the acquisition and granting of easements, utility relocation agreements, and all required permits.

**Attachments:** Map, petition and resolution.

# WDS to Serve Newell Ave



## Legend

- Parcels
- Water Hydrants
- Water Mains
- Sewer Manholes
- Sewer Mains

This information is not an official record, and cannot be used as such. The user should rely only upon official records available from the custodian of records in the appropriate City and/or County department. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita.

1: 1,377



448-90667

**PETITION**

**(Water Distribution System – Parkwilde Addition/S. of Central, W. of West)**

TO: The Mayor and City Council (the “Governing Body”)  
City of Wichita, Kansas

1. The undersigned, being either a majority of the resident owners of record of the property, a majority of the resident owners of record of more than one-half of the area, and/or a majority of the owners of record of more than one-half of the area liable for assessment set forth below for the proposed improvements of the City of Wichita, Kansas (the “City”), do hereby request that said improvements be made in the manner provided by K.S.A. 12-6a01 *et seq.* (the “Act”).

(a) The improvements proposed to be made are as follows (the “Improvements”):

Construction of a water distribution system, including necessary water mains, pipes, valves, hydrants, and appurtenances to serve the Improvement District defined below

The Improvements shall be constructed in accordance with City standards and plans and specifications prepared or approved by the City Engineer

(b) The estimated or probable cost of the proposed Improvements is: **\$26,000**, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the ~~pro-rata rate of 1 percent per month from~~ and after the date of submission of this Petition to the City. If, at the time the City Engineer bids or is ready to bid the Improvements for construction it appears that the final cost will be more than 10% over the project cost estimate set forth above, a new petition with an increased estimated costs must be circulated and submitted. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

I The extent of the proposed improvement district (the “Improvement District”) to be assessed for the costs of the proposed Improvements is:

**Lot 9 Except for E 5 Feet Deeded for Street, Block 2, Parkwilde Addition**

(d) The proposed method of assessment is: **equally per square foot.**

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

I The proposed apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 50% to be assessed against the Improvement District and 50% to be paid by the City-at-large.

(f) The payment of assessments proposed to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City’s Special Assessment Deferral Program.



2. It is further requested that the proposed Improvements be made without notice and hearing as required by the Act.

3. If the Improvements are: (i) abandoned, altered and/or constructed privately, in part or whole, precluding the building of the Improvement under the authority of this Petition and the Act; or (ii) it is necessary for the City to redesign, repair or reconstruct the Improvements after its initial design and/or construction because the design and/or construction does not meet the requirements of City code provisions; any costs incurred by the City as a result of submission of this Petition shall be assessed to property within the proposed Improvement District in accordance with the provisions hereof.

4. Names may not be withdrawn from this Petition by the signers hereof after the Governing Body commences consideration of this Petition, or, later than seven (7) days after the filing hereof, whichever occurs first.

5. The Governing Body is further requested to proceed with adoption of a resolution authorizing the Improvements and establishing the Improvement District in accordance with the Act and the construction of the Improvements in an expeditious manner. This petition shall be considered null and void if it is not filed with the City Clerk within one year of the preparation date of **March 3, 2015**.

Signature	Dated	Property Owned Within Proposed Improvement District
Parkwilde LLC  <i>Mike Stulen, Managing Member</i>	  <i>3-24-15</i>	  Lot 9 Except for E 5 Feet Deeded for Street, Block 2, Parkwilde Addition
<i>Parkwilde LLC</i>		

\*\*\*\*\*

THIS PETITION was filed in my office on *March 24, 2015*.



*[Signature]*  
Deputy City Clerk

**RESOLUTION NO. 15-120**

**A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS WATER DISTRIBUTION SYSTEM – PARKWILDE ADDITION/SOUTH OF CENTRAL, WEST OF WEST STREET)**

**WHEREAS**, a petition (the "Petition") was filed with the City Clerk of the City of Wichita, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.*, (the "Act"); and

**WHEREAS**, the City Council (the "Governing Body") of the City hereby finds and determines that said Petition was signed by either **a majority of the resident owners of record of the property, a majority of the resident owners of record of more than one-half of the area, and/or a majority of the owners of record of more than one-half of the area** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:**

**Section 1. Findings of Advisability.** The Governing Body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construction of a water distribution system, including necessary water mains, pipes, valves, hydrants, and appurtenances to serve the Improvement District defined below (the "Improvements").

(b) The estimated or probable cost of the Improvements is **Twenty-Six Thousand Dollars \$26,000**, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If, at the time the City Engineer bids or is ready to bid the Improvements for construction it appears that the final cost will be more than 10% over the project cost estimate set forth above, a new petition with an increased estimated costs much be circulated and submitted. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

**PARKWILDE ADDITION**

Lot 9 Except for E 5 Feet Deeded for Street, Block 2

(d) The method of assessment is: **equally per square foot.**

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **50%** to be assessed against the Improvement District and **50%** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

**Section 2. Authorization of Improvements.** The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in **Section 1** of this Resolution.

**Section 3. Plans and Specifications.** The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

**Section 4. Bond Authority; Reimbursement.** The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

**Section 5. Effective Date.** This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

**ADOPTED** by the City Council of the City of Wichita, Kansas, on May 5<sup>th</sup>, 2015.

(SEAL)

---

Jeff Longwell, Mayor

ATTEST:

---

Karen Sublett, City Clerk

APPROVED AS TO FORM:

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Sharon L. Dickgrafe  
Interim Director of Law and City Attorney



***EXHIBIT A***

**PARKWILDE ADDITION**

Lot 9 Except for E 5 Feet Deeded for Street, Block 2

City of Wichita  
City Council Meeting  
May 5, 2015

**TO:** Mayor and City Council

**SUBJECT:** Community Events – Wichita Craft Beer and Food Fest (District IV)

**INITIATED BY:** Division of Arts & Cultural Services

**AGENDA:** Consent

---

**Recommendation:** Approve the request for temporary street closures.

**Background:** In accordance with the Community Events procedure, event promoter Jen Ray, owner of The Monarch, is coordinating the Wichita Craft Beer and Food Festival with City of Wichita staff, subject to final approval by the City Council.

**Analysis:** The following street closure request has been submitted:

**Wichita Craft Beer and Food Festival May 16, 2015 8:00 am – 6:00 pm**

- Alley located behind 579 West Douglas Avenue, Sycamore Street to approximately 180 feet east.

The event promoter will arrange to remove the barricades as necessary to allow emergency vehicle access during the entire designated time period. The barricades will be removed immediately upon completion of the event.

**Financial Consideration:** The event promoter is responsible for all costs associated with the special event.

**Legal Consideration:** There are no legal considerations.

**Recommendation/Actions:** It is recommended that the City Council approve the request subject to: 1) Hiring off-duty certified law enforcement officers as required; 2) Obtaining barricades to close the streets in accordance with requirements of the Police, Fire and Public Works and Utilities Departments; and 3) Securing a Certificate of Liability Insurance on file with the Community Event Coordinator.

City of Wichita  
City Council Meeting  
May 5, 2015

**TO:** Mayor and City Council

**SUBJECT:** Waterfront Investment, LLC Hold Harmless Agreement (District II)

**INITIATED BY:** Department of Public Works & Utilities

**AGENDA:** Consent

---

**Recommendation:** Approve the agreement.

**Background:** Waterfront Investment, LLC, was provided permits to construct improvements on Lot 4, Block 1 in the Waterfront Addition. A portion of the planned improvements are within the City's utility easement.

**Analysis:** The proposed agreement allows Waterfront Investment to construct a deck on, over, and across a utility easement, located within Lot 4, Block 1, in the Waterfront Addition. The agreement further provides that Waterfront Investment waives all rights of action in law arising out of the encroachment into the easement. Additionally, the agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of any future sanitary sewer line or any other infrastructure owned by the Utility, and from claims resulting from maintenance, replacement or upgrade of lines, manholes, and other City property in the easement.

**Financial Considerations:** There are no financial considerations associated with the approval of this agreement.

**Legal Considerations:** The Law Department has reviewed and approved the agreement as to form.

**Recommendations/Actions:** It is recommended that the City Council approve the agreement and authorize the necessary signatures.

**Attachment:** Hold Harmless Agreement with Exhibits A and B.

### HOLD HARMLESS AGREEMENT

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2015, BY AND BETWEEN THE CITY OF WICHITA, KANSAS, hereinafter called "CITY" AND WATERFRONT INVESTMENT, LLC, hereinafter called "OWNER"

WITNESSETH:

WHEREAS, the public has been granted an Easement, herein after described as Exhibits "A" & "B" (attached).

WHEREAS, the Owner desires to occupy and construct improvements over the previously described section of said Easement, to wit, hereinafter referred to as Tract "A" (see attached Exhibit showing proposed encroachment and location).

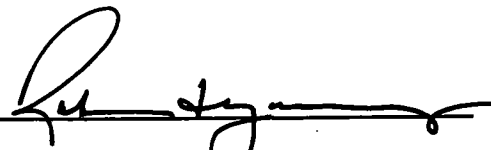
NOW THEREFORE, in consideration of the premises and the several mutual and reciprocal promises of the parties, it is agreed as follows:

- (1) The City hereby agrees to permit the Owner to occupy and construct improvements, over and across the aforesaid Easement.
- (2) The Owner agrees that it will not begin construction of the improvement on, over and across the said Easement without first obtaining the City's written approval of any and all plans and specifications for such improvement.
- (3) In the event of an emergency or situation in which extensive notice is not feasible, that requires a repair and/or maintenance of any public utility within the Easement, and the same repair and/or maintenance is determined by the City to be impossible or impractical due to the presence of the encroachment described as Tract "A", the City may remove or damage any structure on the easement, with the Owner being responsible to pay the costs to replace that portion of the structure within the Easement. In any other event that any public utility within the easement is planned or requires repair and/or maintenance and the same construction or repair is determined by the City to be impossible or impractical due to the presence of the encroachment described as Tract "A", the Owner shall be obligated to either (a) allow the City to remove or damage any structure on the Easement, with the Owner being responsible to pay the costs to replace that portion of the structure within the Easement; (b) remove the said encroachment and clear the Easement; or (c) pay the costs of tunneling under the encroachment to permit repair and/or maintenance of the public utility. After being notified by the City of the planned repair, maintenance or construction, the Owner shall have thirty (30) days to notify the City of its option and, if removal of the structure was selected, to complete the removal. If the Owner fails to remove the structure or agree to pay the costs of tunneling under the encroachment within thirty (30) days, the City may remove or damage any structure on the Easement, with the Owner being responsible to pay the costs to replace that portion of the structure within the Easement. The time to select an option or remove the structure may be extended by the City in writing.
- (4) The Owner agrees to protect and indemnify the City and adjacent property owners against any increased cost that may accrue to them due to the necessity of construction of greater distance to avoid connecting beneath any improvements that may be built on, over and across said Easement. In the event the Owner fails to provide such indemnification, the Owner agrees that the City may assess any cost incurred by it against the property of the Owner. Such assessment shall be in the manner described in K.S.A. 12-6a 17, as amended from time to time.
- (5) The Owner agrees to indemnify and hold harmless the City from any and all claims for personal injury and/or property damage resulting from the leaking, cave-in or failure of that portion of said structure within Tract "A" and which injury and/or damage is caused by the presence of the encroachment into Tract "A". The Owner hereby releases the City from

any and all claims that it might have for property damage caused by work performed by the City, or its employees, agents and contractors, in connection with the inspection, repair and/or maintenance of the utility within the above described Easement.

- (6) This Agreement may be terminated by the City upon failure of the Owner to comply with all of the terms of this Agreement.
- (7) The provisions contained herein are to be construed as covenants running with the land and may be enforced against any titleholder of the within described premises, so long as the structure contemplated by this agreement is in existence.
- (8) This document creates a temporary, non-exclusive interest in real property and is not a construction contract governed by K.S.A. 16-121 as amended.

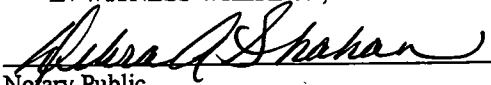
IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in their names the day and year first above written.

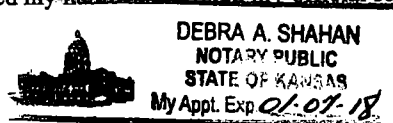
 PRESIDENT OF MURFIN, INC.  
WATERFRONT INVESTMENT, LLC  
Owner Robert D. Young, President of Murfin Inc.  
WATERFRONT INVESTMENT, LLC

STATE OF KANSAS, SEDGWICK COUNTY, ss:

BE IT REMEMBERED, that on this 5<sup>th</sup> day of March, 2015, before me, a Notary Public, in and fore said county and state, came ROBERT D. YOUNG, PRES. OF MURFIN, INC. to me personally known to be the same person(s) who executed the within and foregoing instrument and duly acknowledged the execution of the same as the authorized act and deed of the Corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last written.

  
Notary Public  
My Commission Expires: 01-07-2018



APPROVED AS TO FORM:

CITY OF WICHITA, KANSAS

JEFF LONGWELL, MAYOR  
City

ATTEST:

City Clerk

SHARON L. DICKGRAFE  
INTERIM DIRECTOR OF LAW AND CITY  
ATTORNEY

STATE OF KANSAS, SEDGWICK COUNTY, ss:

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, a Notary Public, in and fore said county and state, came, Jeff Longwell, Mayor of the City of Wichita, Kansas, to me personally known to be the same person who executed the within and foregoing instrument, and duly acknowledged the execution of the same, for and on behalf, and as the act and deed of said City.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last written.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Approved as to Form

\_\_\_\_\_  
Director of Law

Exhibit "A"

**DESCRIPTION OF  
HOLD HARMLESS AREA  
*Murfin Lakeside at the Waterfront***

A tract of land lying within a portion of Lot 4, Block 1, The Waterfront Addition, an addition to Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

BEGINNING at the southwest corner of said Lot 4; thence along the westerly line of said Lot 4 on a platted bearing of, N47°36'36"W, 72.00 feet; thence N42°23'24"E, 20.00 feet to the east line of platted 20 foot utility easement; thence along said east line, S47°36'36"E, 38.68 feet to the intersection of a platted 35 foot drainage and utility easement and said 20 foot utility easement; thence along the north line of said 35 foot drainage and utility easement, S80°53'05"E, 40.88 feet; thence S09°06'55"W, 35.00 feet to the south line of said Lot 4; thence along said south line, N80°53'05"W, 24.00 feet to the POINT OF BEGINNING.

Said tract CONTAINS: 2,242 square feet or 0.051 acres of land, more or less.



196



City of Wichita  
City Council Meeting  
May 5, 2015

**TO:** Mayor and City Council

**SUBJECT:** Acquisition of a Temporary Construction Easement at 1113 S. Meridian for the Meridian from Pawnee to McCormick Road Improvement Project (District IV)

**INITIATED BY:** Office of Property Management

**AGENDA:** Consent

---

**Recommendation:** Approve the acquisition.

**Background:** On November 5, 2013, the City Council approved the design for the improvement of Meridian from Pawnee to McCormick. The project calls for the improvement of Meridian to a five-lane roadway with a center turn lane, drainage improvements, new sidewalks on both sides of Meridian, the realignment of Orient at Meridian, and waterline improvements to serve surrounding residential neighborhoods. The project requires a 388.5 square foot temporary construction easement from the property at 1113 S. Meridian. The subject property is improved with a single-family residence. The project does not impact the residence however; a portion of the private fence will have to be removed during construction.

**Analysis:** The proposed acquisition was estimated to have a value of \$100. This is the established minimum offer of just compensation for the project. The seller agreed to accept the offer plus an additional \$500 as damages as the cost-to-cure for the chain-link fence.

**Financial Considerations:** The funding source for the project is General Obligation Bonds. A budget of \$1,100 is requested. This includes \$600 for the acquisitions and \$500 for title work, closing costs and other administrative fees.

**Legal Considerations:** The Law Department has approved the temporary construction easement as to form.

**Recommendation/Action:** It is recommended that the City Council 1) accept the temporary construction easement; 2) approve the budget; and 3) authorize any necessary signatures.

**Attachments:** Temporary construction easement and tract map.

## **TEMPORARY CONSTRUCTION EASEMENT**

**Meridian Avenue Reconstruction 087 N-0593-01 Tract: 59**

THIS EASEMENT made this 26<sup>th</sup> day of March, 2015, by and between D.P. Holdings, Inc., Grantor and the City of Wichita, Kansas, a municipal corporation, Grantee.

WITNESSETH: That the said Grantor, in consideration of the sum of Six Hundred and no/100 Dollars (\$600.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the Grantee a temporary right-of-way for the purpose of constructing, maintaining, and repairing road right-of-way, over, along and under the following described real estate situated in Wichita, Sedgwick County, Kansas, to wit:

That part of Lots 57 and 59, Richmond's Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the intersection of the north line of said Lot 57 with the west right-of-way line of Meridian Ave. as established in Condemnation Case A-53077, said intersection being 10.00 feet west of the northeast corner of said Lot 57; thence south along the west right-of-way line of said Meridian Ave., (Condemnation Case A-53077), and 10.00 feet normally distant west of and parallel with the east line of said Lots 57 and 59, 50.00 feet to the intersection with the south line of said Lot 59; thence west along the south line of said Lot 59, 12.00 feet; thence north parallel with the west right-of-way line of said Meridian Ave., (Condemnation Case A-53077), 5.00 feet; thence east parallel with the south line of Lot 59, 5.50 feet; thence north parallel with the west right-of-way line of said Meridian Ave., (Condemnation Case A-53077), 37.00 feet ; thence west parallel with the north line of Lot 57, 4.50 feet; thence north parallel with the west right-of-way line of said Meridian Ave., (Condemnation Case A-53077), 8.00 feet to a point on the north line of said Lot 57; thence east along the north line of said Lot 57, 11.00 feet to the point of beginning.

Said Tract containing 388.5 square feet, more or less.

Includes payment for replacement of fencing.

And said Grantee, successors and assigns, is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such roadway and utility improvements beginning the date this easement is executed.

**Temporary Easement shall expire at the end of construction of above noted project or at 24 months from execution of this document, whichever comes first.**

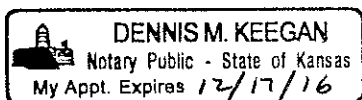
IN WITNESS WHEREOF: The said first party has signed these presents the day and year first written.




Charles D. Pettegrew,  
President, D.P. Holdings, Inc.

STATE OF KANSAS    )  
                                  ) ss:  
SEDGWICK COUNTY )

This instrument was acknowledged before me on the 16<sup>TH</sup> day of APRIL, 2015 by  
Charles D. Pettegrew, President, D.P. Holdings, Inc. of Sedgwick County, Kansas.



(sign)   
(print) DENNIS M KEEGAN, NOTARY PUBLIC

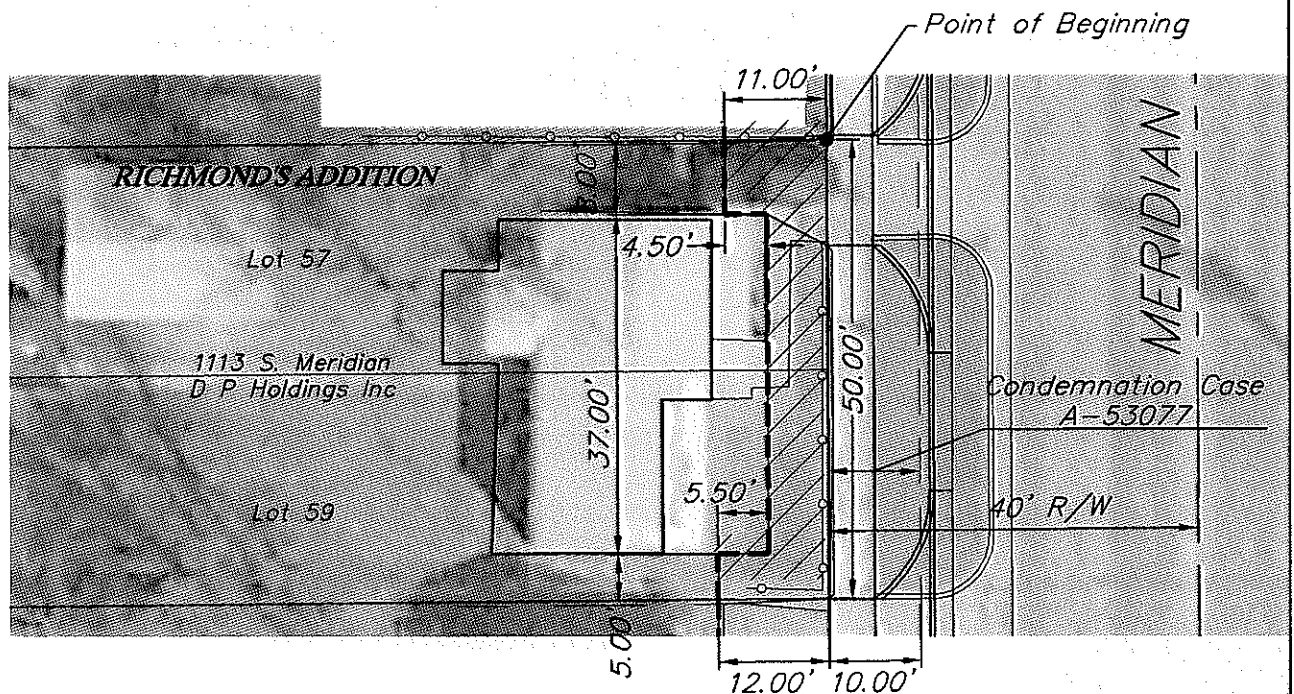
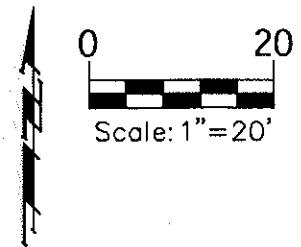
My commission expires: DEC 17, 2016

# TEMPORARY CONSTRUCTION EASEMENT

## LEGAL DESCRIPTION:

That part of Lots 57 and 59, Richmond's Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the intersection of the north line of said Lot 57 with the west right-of-way line of Meridian Ave. as established in Condemnation Case A-53077, said intersection being 10.00 feet west of the northeast corner of said Lot 57; thence south along the west right-of-way line of said Meridian Ave., (Condemnation Case A-53077), and 10.00 feet normally distant west of and parallel with the east line of said Lots 57 and 59, 50.00 feet to the intersection with the south line of said Lot 59; thence west along the south line of said Lot 59, 12.00 feet; thence north parallel with the west right-of-way line of said Meridian Ave., (Condemnation Case A-53077), 5.00 feet; thence east parallel with the south line of Lot 59, 5.50 feet; thence north parallel with the west right-of-way line of said Meridian Ave., (Condemnation Case A-53077), 37.00 feet; thence west parallel with the north line of Lot 57, 4.50 feet; thence north parallel with the west right-of-way line of said Meridian Ave., (Condemnation Case A-53077), 8.00 feet to a point on the north line of said Lot 57; thence east along the north line of said Lot 57, 11.00 feet to the point of beginning.

Said Tract containing 388.5 square feet, more or less.



Owner:  
1113 S. Meridian  
D P Holdings Inc  
1610 S Emporia  
Wichita, KS 67211

September 8, 2014



Baughman Company, P.A.

315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149

ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

E:\Projects\Meridian-Orient to McCormick\Exhibit 47

City of Wichita  
City Council Meeting  
May 5, 2015

**TO:** Mayor and City Council

**SUBJECT:** Acquisition of a Temporary Construction Easement at 1426 S. Meridian for the Meridian from Pawnee to McCormick Road Improvement Project (District IV)

**INITIATED BY:** Office of Property Management

**AGENDA:** Consent

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**Recommendation:** Approve the acquisition.

**Background:** On November 5, 2013, the City Council approved the design for the improvement of Meridian from Pawnee to McCormick. The project calls for the improvement of Meridian to a five-lane roadway with a center turn lane, drainage improvements, new sidewalks on both sides of Meridian, the realignment of Orient at Meridian, and waterline improvements to serve surrounding residential neighborhoods. The project requires a 440 square foot temporary construction easement from the property at 1426 S. Meridian. The subject property is improved with a single-family residence. The project does not impact the residence however; a private fence along Meridian will have to be removed during construction.

**Analysis:** The proposed acquisition was estimated to have a value of \$100. This is the established minimum offer of just compensation for the project. The seller agreed to accept the offer plus an additional \$600 as damages as the cost-to-cure for the chain-link fence.

**Financial Considerations:** The funding source for the project is General Obligation Bonds. A budget of \$1,200 is requested. This includes \$700 for the acquisitions and \$500 for title work, closing costs and other administrative fees.

**Legal Considerations:** The Law Department has approved the temporary construction easement as to form.

**Recommendation/Action:** It is recommended that the City Council 1) accept the temporary construction easement; 2) approve the budget; and 3) authorize any necessary signatures.

**Attachments:** Temporary construction easement and tract map.

## TEMPORARY CONSTRUCTION EASEMENT

**Meridian Avenue Reconstruction 087 N-0593-01 Tract: 37**

THIS EASEMENT made this 9<sup>th</sup> day of March, 2015, by and between D&M Enterprises of Wichita, LLC and Contract for Deed Purchaser, Donna J. Brown, a single person, Grantor and the City of Wichita, Kansas, a municipal corporation, Grantee.

WITNESSETH: That the said Grantor, in consideration of the sum of Seven Hundred and no/100 Dollars (\$700.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the Grantee a temporary right-of-way for the purpose of constructing, maintaining, and repairing road right-of-way, over, along and under the following described real estate situated in Wichita, Sedgwick County, Kansas, to wit:

That part of Lots 53 and 55 on Meridian Avenue, Stiles & Smith's Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the intersection of the south line of said Lot 55 with the east right-of-way line of Meridian Ave. as established in Condemnation Case A-53077, said intersection being 10.00 feet east of the southwest corner of said Lot 55; thence north along the east right-of-way line of said Meridian Ave., (Condemnation Case A-53077), and 10.00 feet normally distant east of and parallel with the west line of said Lots 53 and 55, 50.00 feet to the intersection with the north line of said Lot 53; thence east along the north line of Lot 53, 8.00 feet; thence south parallel with the east right-of-way line of said Meridian Ave., (Condemnation Case A-53077), 30.00 feet; thence west parallel to the north line of said Lot 55, 2.00 feet; thence south parallel with the east right-of-way line of said Meridian Ave., (Condemnation Case A-53077), 20.00 feet to a point on the south line of said Lot 55; thence west along the south line of said Lot 55, 10.00 feet to the point of beginning.

Said Tract containing 440.0 square feet, more or less.

Includes payment for replacement of fencing.

Total proceeds to be paid to Contract for Deed Purchaser

And said Grantee, successors and assigns, is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such roadway and utility improvements beginning the date this easement is executed.

**Temporary Easement shall expire at the end of construction of above noted project or at 24 months from execution of this document, whichever comes first.**

IN WITNESS WHEREOF: The said first party has signed these presents the day and year first written.

X Don Klausmeyer

Don Klausmeyer managing member  
D&M Enterprises of Wichita, LLC

X Donna J. Brown  
Donna J. Brown

STATE OF KANSAS )  
 ) ss:  
SEDGWICK COUNTY )



Sharon Zenner  
Sharon Zenner  
9-9-18

This instrument was acknowledged before me on the 6<sup>th</sup> day of April, 2015 by

X Don Klausmeyer D&M Enterprises of Wichita, LLC

Donna J. Brown, a single person

of Sedgwick County, Kansas.

X



X (sign) Sharon Zenner

X (print) Sharon Zenner, NOTARY PUBLIC

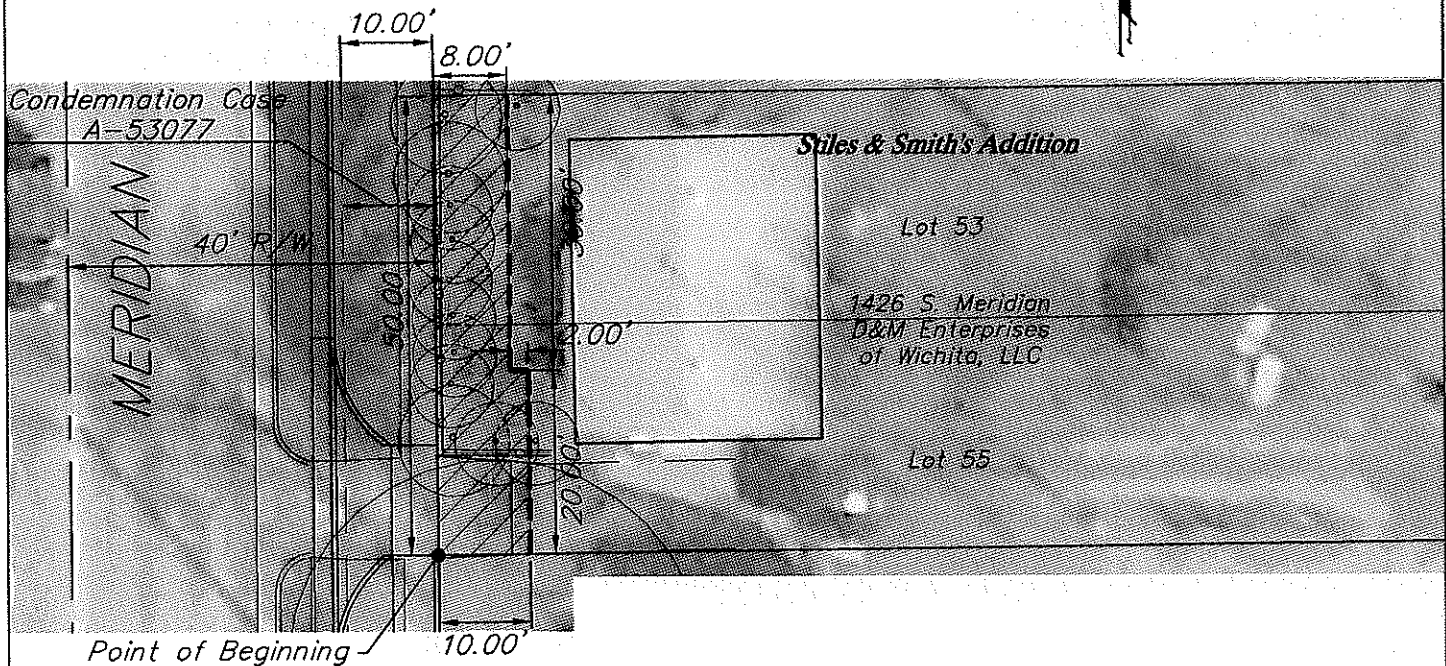
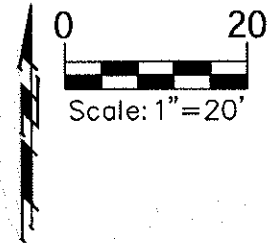
X My commission expires: 9-9-18

# TEMPORARY CONSTRUCTION EASEMENT

## LEGAL DESCRIPTION:

*That part of Lots 53 and 55 on Meridian Avenue, Stiles & Smith's Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the intersection of the south line of said Lot 55 with the east right-of-way line of Meridian Ave. as established in Condemnation Case A-53077, said intersection being 10.00 feet east of the southwest corner of said Lot 55; thence north along the east right-of-way line of said Meridian Ave., (Condemnation Case A-53077), and 10.00 feet normally distant east of and parallel with the west line of said Lots 53 and 55, 50.00 feet to the intersection with the north line of said Lot 53; thence east along the north line of Lot 53, 8.00 feet; thence south parallel with the east right-of-way line of said Meridian Ave., (Condemnation Case A-53077), 30.00 feet; thence west parallel to the north line of said Lot 55, 2.00 feet; thence south parallel with the east right-of-way line of said Meridian Ave., (Condemnation Case A-53077), 20.00 feet to a point on the south line of said Lot 55; thence west along the south line of said Lot 55, 10.00 feet to the point of beginning.*

*Said Tract containing 440.0 square feet, more or less.*



Owner:  
1426 S. Meridian  
D&M Enterprises of Wichita, LLC  
3756 S Westgate  
Wichita, KS 67215

December 1, 2014



E:\Projects\Meridian-Orient to McCormick\Exhibit 25



City of Wichita  
City Council Meeting  
May 5, 2015

**TO:** Mayor and City Council

**SUBJECT:** Acquisition of a Temporary Construction Easement at 1737 S. Meridian for the Meridian from Pawnee to McCormick Road Improvement Project (District IV)

**INITIATED BY:** Office of Property Management

**AGENDA:** Consent

---

**Recommendation:** Approve the acquisition.

**Background:** On November 5, 2013, the City Council approved the design for the improvement of Meridian from Pawnee to McCormick. The project calls for the improvement of Meridian to a five-lane roadway with a center turn lane, drainage improvements, new sidewalks on both sides of Meridian, the realignment of Orient at Meridian, and waterline improvements to serve surrounding residential neighborhoods. The project requires a 250 square foot temporary construction easement from the property at 1737 S. Meridian. The subject property is improved with a single-family residence. The project does not impact the residence however; a portion of the private fence will have to be removed during construction.

**Analysis:** The proposed acquisition was estimated to have a value of \$100. This is the established minimum offer of just compensation for the project. The seller agreed to accept the offer plus an additional \$400 as damages as the cost-to-cure for the chain-link fence.

**Financial Considerations:** The funding source for the project is General Obligation Bonds. A budget of \$1,000 is requested. This includes \$500 for the acquisitions and \$500 for title work, closing costs and other administrative fees.

**Legal Considerations:** The Law Department has approved the temporary construction easement as to form.

**Recommendation/Action:** It is recommended that the City Council 1) accept the temporary construction easement; 2) approve the budget; and 3) authorize any necessary signatures.

**Attachments:** Temporary construction easement and tract map.

## **TEMPORARY CONSTRUCTION EASEMENT**

**Meridian Avenue Reconstruction 087 N-0593-01 Tract: 14**

THIS EASEMENT made this 24<sup>th</sup> day of March, 2015, by and between David B. Ray and Martha L Ray, husband and wife, Grantor and the City of Wichita, Kansas, a municipal corporation, Grantee.

WITNESSETH: That the said Grantor, in consideration of the sum of Five Hundred and no/100 Dollars (\$500.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the Grantee a temporary right-of-way for the purpose of constructing, maintaining, and repairing road right-of-way, over, along and under the following described real estate situated in Wichita, Sedgwick County, Kansas, to wit:

That part of Lots 77 and 79 on Meridian Avenue, Garfield Park Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the intersection of the north line of said Lot 77 with the west right-of-way line of Meridian Ave. as established in Condemnation Case A-53868, said intersection being 10.00 feet west of the northeast corner of said Lot 77; thence south along the west right-of-way line of said Meridian Ave., (Condemnation Case A-53868), and 10.00 feet normally distant west of and parallel with the east line of said Lots 77 and 79, 50.00 feet to the intersection with the south line of said Lot 79; thence west along the south line of said Lot 79, 10.00 feet; thence north parallel with and 10.00 feet normally distant west of the west right-of-way line of said Meridian Ave., (Condemnation Case A-53868), 50.00 feet to the intersection with the north line of said Lot 77; thence east along the north line of said Lot 77, 10.00 feet to the point of beginning.

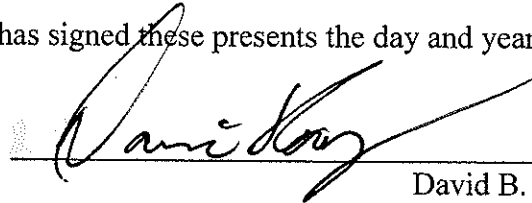
Said Tract containing 400.0 square feet, more or less.

Includes payment for: Removal and reinstallation of fencing.

And said Grantee, successors and assigns, is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such roadway and utility improvements beginning the date this easement is executed.

**Temporary Easement shall expire at the end of construction of above noted project or at 24 months from execution of this document, whichever comes first.**

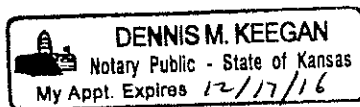
IN WITNESS WHEREOF: The said first party has signed these presents the day and year first written.

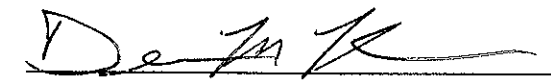
  
David B. Ray

  
Martha L. Ray

STATE OF KANSAS    )  
                                  ) ss:  
SEDGWICK COUNTY )

This instrument was acknowledged before me on the 9<sup>TH</sup> day of APRIL, 2015 by  
David B. Ray and Martha L. Ray, husband and wife of Sedgwick County, Kansas.



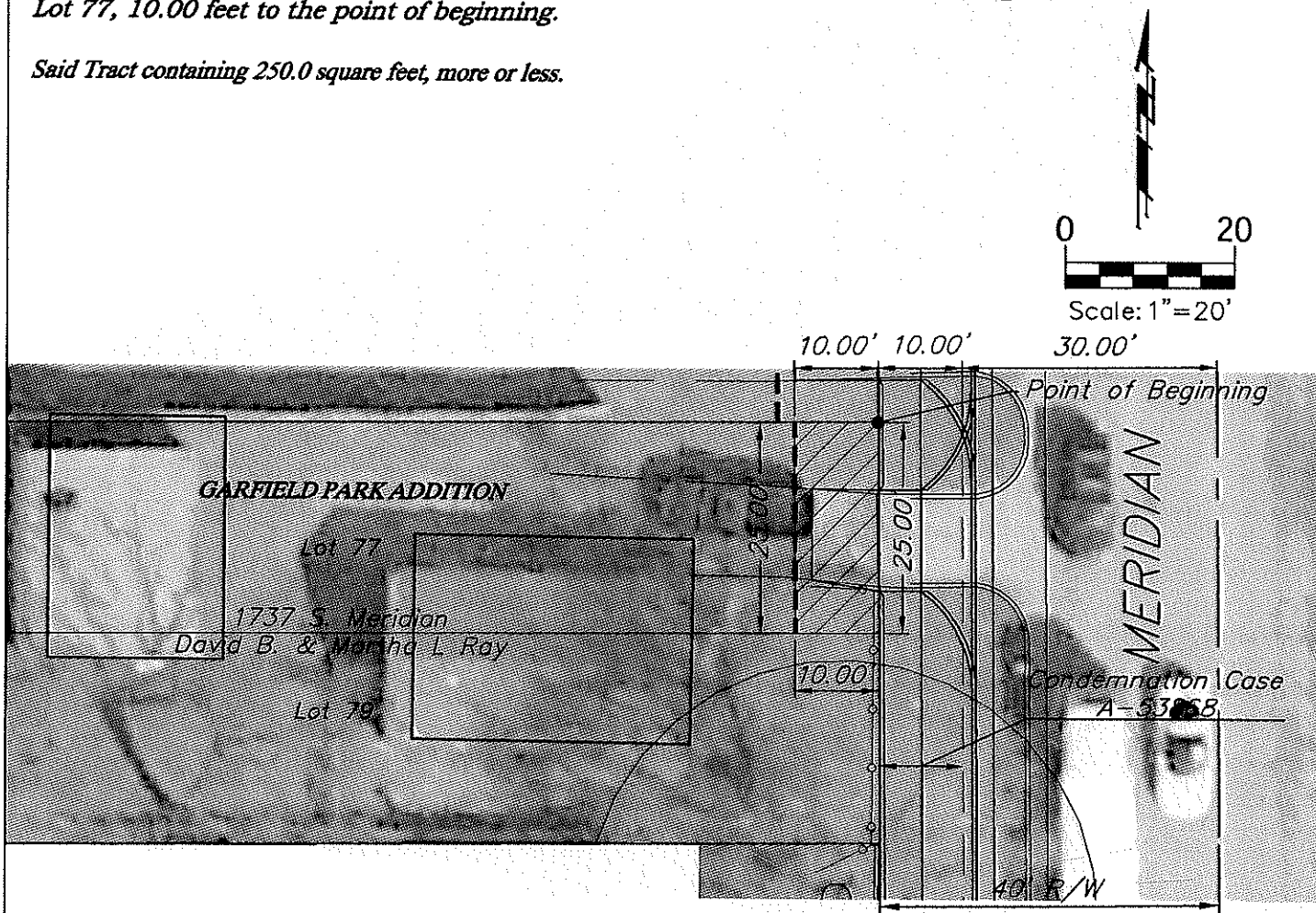
  
Dennis M Keegan, Notary Public  
My Commission Expires: December 17, 2016

# TEMPORARY CONSTRUCTION EASEMENT

## LEGAL DESCRIPTION:

That part of Lot 77 on Meridian Avenue, Garfield Park Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the intersection of the north line of said Lot 77 with the west right-of-way line of Meridian Ave. as established in Condemnation Case A-53868, said intersection being 10.00 feet west of the northeast corner of said Lot 77; thence south along the west right-of-way line of said Meridian Ave., (Condemnation Case A-53868), and 10.00 feet normally distant west of and parallel with the east line of said Lot 77, 25.00 feet to the intersection with the south line of said Lot 77; thence west along the south line of said Lot 77, 10.00 feet; thence north parallel with and 10.00 feet normally distant west of the west right-of-way line of said Meridian Ave., (Condemnation Case A-53868), 25.00 feet to the intersection with the north line of said Lot 77; thence east along the north line of said Lot 77, 10.00 feet to the point of beginning.

Said Tract containing 250.0 square feet, more or less.



Owner:  
1737 S. Meridian  
David B. & Martha L. Ray  
9008 N. Ridge  
Valley Center, KS 67147

November 24, 2014

**B** Baughman Company, P.A.  
315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149  
Baughman ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

E:\Projects\Meridian-Orient to McCormick\Exhibit 05

City of Wichita  
City Council Meeting  
May 5, 2015

**TO:** Mayor and City Council

**SUBJECT:** Amendment to Contract for Parking Management (Districts I and VI)

**INITIATED BY:** Office of Property Management

**AGENDA:** Consent

---

**Recommendation:** Approve the amendment extending the term of the existing parking management agreement six months.

**Background:** On August 10, 2010, the City of Wichita and The Car Park, Inc. (TCP) entered into a contract for management of various City-owned garages and surface lots. The contract provided for an initial term of one year from September 1, 2010 to August 31, 2011 with four one-year options. The contract is in the final option year and will expire August 31, 2015.

**Analysis:** The State of Kansas has given notice that it will completely vacate the State Office Building and cease utilizing the State Office Building parking garage as early as June 30, 2015 but possibly as late as December 31, 2015. Staff has negotiated two amendments to the TCP parking management contract. The 550-space former Macy's garage is scheduled to be completed in late summer or early fall. As all options on the existing management contract have been utilized, a Request for Proposals (RFP) for parking management would need to be prepared and distributed. To allow time for response, review and selection, the RFP would need to be distributed in late May with responses due in late June. Selection and negotiation of the contract would occur in July and early August. The uncertainty associated with the State's occupancy and the addition of the Macy's garage will greatly impact the ability to develop a new parking agreement. Extending the existing contract six months will clarify the State's situation and allow the new garage to be in operation when the RFP is developed.

**Financial Considerations:** There is no change in the previously approved management fees.

**Legal Considerations:** The Law Department approved the amendment as to form.

**Recommendation/Action:** It is recommended that the City Council; 1) approve the Amendment and 2) authorize the necessary signatures.

**Attachments:** Fourth Amendment to Contract

#### **FOURTH AMENDMENT TO CONTRACT**

THIS CONTRACT AMENDMENT ("Amendment") is made this \_\_\_\_ day of May, 2015, by and between The Car Park, Inc. (Contractor) and the City of Wichita ("City).

WHEREAS Contractor and City have previously entered into a CONTRACT FOR OPERATION & MANAGEMENT OF CITY OF WICHITA PARKING GARAGES AND LOTS dated the 10th day of August, 2010 (collectively referred to as "Contract"); and

WHEREAS, Section 4 of the Contract defines the term of the contract as being from September 1, 2010 to August 31, 2011 with options to renew the contract under the same terms and conditions for four (4) successive one (1) year terms by mutual agreement of the parties; and

WHEREAS, all options have been exercised and the Contract shall expire on August 31, 2015; and

WHEREAS, due to significant pending changes in the parking assets managed under the contract, Contractor and City wish to extend the contract term to allow such changes to occur within the current contract;

NOW, THEREFORE, Contractor and City now desire to amend said Lease Agreement as follows:

1. Section 4 of the Contract shall be amended to include one (1) six (6) month option term to run after the expiration of the four (4) one (1) year terms. Said six (6) month option term shall run from September 1, 2015 to February 29, 2016.
2. Except as provided in this Amendment, all terms and conditions of the Lease Agreement and prior amendments thereto are hereby ratified and confirmed by the parties.

IN WITNESS WHEREOF, the parties have executed this Amendment of the Lease Agreement on the date first above written.

CONTRACTOR  
The Car Park, Inc.

---

By: Jeff Wolfe, its President

CITY  
CITY OF WICHITA

---

By: Jeff Longwell, Mayor

ATTEST:

---

Karen Sublett, City Clerk

APPROVED AS TO FORM:

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Sharon Dickgrafe, Interim Director of Law

**City of Wichita  
City Council Meeting  
May 5, 2015**

**TO:** Mayor and City Council

**SUBJECT:** Change Order Limit Adjustment for Amidon, 21<sup>st</sup> to 29<sup>th</sup> Streets North (District VI)

**INITIATED BY:** Department of Public Works & Utilities

**AGENDA:** Consent

**Recommendation:** Approve the change order limit adjustment and adopt the amending resolution.

**Background:** On December 12, 2014, a project to reconstruct Amidon from 21<sup>st</sup> to 29<sup>th</sup> Streets was bid for construction, with all bids exceeding the estimate. On January 6, 2015, the City Council approved a construction contract with Cornejo & Sons and a change order limit of \$50,000 for the project. The following change orders have been processed to date:

Number	Date	Provided	Cost
Original	January 6, 2015	Original construction contract	\$6,698,958
No. 1	February 17, 2015	Additional tree removal and modified manhole	\$12,037
No. 2	March 16, 2015	Installation of temporary traffic signal video detection and sanitary sewer encasement	\$13,428
		Total change orders to date	\$25,465
		Contract total to date	\$6,724,423

**Analysis:** Due to primarily unforeseen conditions, change orders approved to date total \$25,465. Additional change orders in the amount of \$22,838 are in the process of being approved, bringing the change order total to \$48,303. This total represents 97% of the approved change order limit, with only 20% of the contract work completed thus far. Based on remaining work, staff recommends an increase in the change order limit to 2% of the contract amount, or \$134,000.

Without increasing the change order limit, all change orders above the approved total of \$50,000 will require approval by the City Council regardless of cost. The approximate six-week process for change order approval will result in significant delay costs, as much as \$5,000 per day.

**Financial Consideration:** The budget remains as \$8,270,000 in general obligation City at-large funds as previously approved. Increasing the change order limit will not increase the overall budget.

**Legal Considerations:** The Law Department has reviewed and approved the amending resolution as to form.

**Recommendation/Action:** It is recommended that the City Council approve the change order limit adjustment, adopt the amending resolution and authorize the necessary signatures.

**Attachments:** Change order limit adjustment and amending resolution.



RESOLUTION NO. 15-121

A RESOLUTION TO MODIFY THE CHANGE ORDER POLICY GOVERNING THE CONSTRUCTION OF A SINGLE PUBLIC WORKS PROJECT AS ALLOWED BY CHARTER ORDINANCE 222:

WHEREAS, the construction of major public works projects routinely entail the need to make contract modifications for field conditions, quantity adjustments, and other alterations necessary for efficient and effective project completion; and

WHEREAS, the use of public bidding followed by use of professional City staff for project oversight protects against cost overruns that do not inure to the benefit of the public; and

WHEREAS, the reconstruction of a portion of Amidon Street covered by contract number 472-84914 (Amidon project) qualifies as such a major public work construction project. Continued, timely prosecution of that work is in the best interest of the traveling public and nearby commercial and residential property owners;

WHEREAS, an increase in the level of change orders allowed without additional Council approval, but at a level considerably below that allowed in Charter Ordinance 222, will allow responsible project management to continue without costly and inconvenient construction delays;

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA ON THIS 5<sup>TH</sup> DAY OF MAY, 2015 that,

1. The City Council for the City of Wichita, Kansas hereby adopts and approves a one-time modification to the City's change order policy governing the construction of public works projects. This modification grants City staff authority to approve change orders for the Amidon project up to a cumulative cost not exceeding two percent (2%) of the original contract price without separate City Council approval.
2. This policy is effective only for project change order work that both arises from unforeseen conditions that are discovered after bids are let and that does not expand the scope of work to be performed under the original contract. Work that is not the result of unforeseen conditions or that expands the scope of the contract work is to be separately bid.

ADOPTED AT WICHITA, KANSAS BY THE GOVERNING BODY OF THE CITY OF WICHITA  
ON THIS 5th DAY OF May, 2015.

---

JEFF LONGWELL, MAYOR

ATTEST:

---

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

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SHARON L. DICKGRAFE,  
INTERIM DIRECTOR OF LAW  
AND CITY ATTORNEY

City of Wichita  
City Council Meeting  
May 5, 2015

**TO:** Mayor and City Council

**SUBJECT:** Emergency Water Line Repairs (District I)

**INITIATED BY:** Department of Public Works & Utilities

**AGENDA:** Consent

---

**Recommendation:** Ratify and approve the emergency water line repairs.

**Background:** On Saturday, April 4, 2015, a contractor hit and damaged a concrete water transmission main that serves Jackson Elementary School and a nearby residential subdivision. The contractor was working to restore power in the area after a recent storm.

**Analysis:** Due to the type and depth of the water main and equipment required to excavate and repair the main, the City of Wichita Water Distribution Division cannot make the repairs. Staff contacted several contractors for informal bids and met on site with several contractors. Three bids were received and Duling Construction was selected to perform the work.

**Financial Considerations:** Costs for repairs are estimated to be approximately \$50,000. The line appears to have been properly located and staff is currently pursuing reimbursement from Westar or the contractor.

**Legal Considerations:** City Ordinance 2.64.020(a), "Emergencies," expressly authorizes the City Manager to approve work to be performed for emergency repair of critical infrastructure facilities by an outside contractor without formal bidding. The City Manager approved proceeding with the project on April 7, 2015. This request is submitted to the City Council as a precaution. The selection method used complies with that required for Class B professional services contracts. If the ultimate cost remains below \$50,000, this project would have qualified for Class B selection processing and direct City Manager approval.

**Recommendations/Actions:** It is recommended that City Council ratify the City Manager's emergency approval of the repairs and authorize the necessary signatures.

**Attachment:** Memo to the City Manager.



CITY OF  
WICHITA

PUBLIC WORKS & UTILITIES

INTEROFFICE MEMORANDUM

TO: Robert Layton, City Manager  
FROM: Alan King, Director of Public Works & Utilities  
DATE: April 06, 2015  
SUBJECT: Emergency 24" Water Main Repair

*AK* for *AK*

On Saturday April 04, 2015 Capital Electric working for Westar hit and damaged a 24" concrete water transmission water main. Due to the type of water main and possible equipment needed to excavate and repair the water main the City of Wichita Water Distribution Division cannot make the repairs. The estimated cost for the repairs is \$50,000.00 The City is currently receiving bids for the repair.

Funds are available from the CIP project W-67, Distribution Mains Replacement. Your signature below will indicate concurrence to authorize the work. An agenda report will then be prepared for the City Council.

I request that you declare this a Public Exigency, which is defined under City Code, Section 2.64.020(a), as an instance when public exigency will not permit the delay incident to advertising, as determined and approved by the City Manager. An approval line has been provided if you concur with this request. A subsequent agenda item will be prepared to obtain Council acknowledgement of this declaration action.

Robert Layton, City Manager

*Melinda Walker*  
*Purchasing Manager*

City of Wichita  
City Council Meeting  
May 5, 2015

**TO:** Mayor and City Council

**SUBJECT:** Granting of Drainage Easement at 4910 East 21<sup>st</sup> Street North (District I)

**INITIATED BY:** Office of Property Management

**AGENDA:** Consent

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**Recommendation:** Grant a stormwater drainage easement on a portion of a City-owned property.

**Background:** In 1996, Dillons Real Estate donated the former grocery store located at 4910 East 21<sup>st</sup> to the City of Wichita. In 1998, the City entered into an agreement with Air Capital Community Development Company (ACCDC) whereby the property was renovated and ACCDC as the master leasee under a lease with option to purchase the property. Property adjacent to the City-owned parcel is being redeveloped. As part of the redevelopment plan, the owners require a drainage easement across the City property to a storm sewer outlet located on an adjacent property.

**Analysis:** In order to accommodate stormwater run-off from the new development, a storm sewer line needs to be placed beneath part of the parking lot at 4910 East 21<sup>st</sup> Street. The line will run north and then east, connecting into an existing storm sewer on an adjacent property. An easement describing the area impacted by the placement of the storm sewer has been developed. Pursuant to the easement, the developer is responsible for the construction and maintenance of the line. It is also responsible for repairing any damage to the City property caused by construction or maintenance. ACCDC, the tenant of 4410 East 21<sup>st</sup>, has reviewed the proposed easement and has no issues with the request.

**Financial Considerations:** There is no financial impact to the City.

**Legal Considerations:** The Law Department has reviewed and approved the easement as to form.

**Recommendation/Action:** It is recommended that the City Council approve the Drainage Easement and authorize all necessary signatures.

**Attachments:** Drainage Easement and aerial.

## DRAINAGE EASEMENT

THIS EASEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between City of Wichita, of the first part and the Dillon Real Estate Co., Inc., a Kansas Corporation of the second part.

WITNESSETH: That the said first party, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said second party a perpetual right-of-way and easement for the purpose of constructing, operating, maintaining, and repairing a drainage system, over, along and under the following described real estate situated in Sedgwick County, Kansas, to wit:

A 20' Drainage Easement described as follows:

**COMMENCING** at the southeast corner of Lot 2, University Gardens 2<sup>nd</sup> Addition, Wichita, Kansas; Thence Bearing N00°33'32"W, along the east line of said Lot 2, a distance of 52.60 feet to the **POINT OF BEGINNING**; Thence continuing Bearing N00°33'32"W, along said east line, a distance of 20.00 feet; Thence Bearing S88°54'58"W, a distance of 171.69 feet; Thence Bearing S01°05'02"E, a distance of 72.60 feet to a point on the south line of said Lot 2; Thence Bearing N88°54'58"E, along said south line, a distance of 20.00 feet; Thence Bearing N01°05'02"W, a distance of 52.60 feet; Thence Bearing N88°54'58"E, a distance of 151.51 feet to the **POINT OF BEGINNING**.

(Said 20' Drainage Easement containing 0.103 acres, more or less)

And said second party is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such drainage system. The party of the second part hereby agrees to replace pavement in kind removed as a result of constructing, operating, maintaining, and repairing said drainage system.

IN WITNESS WHEREOF: The Grantor has signed these presents the day and year first written.

**City of Wichita, Kansas**

By \_\_\_\_\_  
Jeff Longwell, Mayor

**ATTEST:**

Karen Sublett, City Clerk

**STATE OF KANSAS**                 )  
  ) ss:  
**SEDGWICK COUNTY**                 )

This instrument was acknowledged before me on \_\_\_\_\_ day of \_\_\_\_\_, 2015 by Jeff Longwell, Mayor and Karen Sublett, City Clerk of the City of Wichita, a municipal corporation, for and on behalf of said corporation.

Notary Public

My Commission Expires: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Sharon Dickgrafe, Interim Director of Law and City Attorney



UNIVERSITY GARDENS  
2ND ADDITION  
Lot 2

Owner:  
CITY OF WICHITA  
Wichita, KS

A 20' Drainage Easement described as follows:  
COMMENCING at the southeast corner of Lot 2, University Gardens 2nd Addition, Wichita, Kansas; Thence Bearing N00°33'32"W, along the east line of said Lot 2, a distance of 52.60 feet to the POINT OF BEGINNING; Thence continuing Bearing N00°33'32"W, along said east line, a distance of 20.00 feet; Thence Bearing S88°54'58"W, a distance of 171.69 feet; Thence Bearing S01°05'02"E, a distance of 72.60 feet to a point on the south line of said Lot 2; Thence Bearing N88°54'58"E, along said south line, a distance of 20.00 feet; Thence Bearing N01°05'02"W, a distance of 52.60 feet; Thence Bearing N88°54'58"E, a distance of 151.51 feet to the POINT OF BEGINNING.  
(Said 20' Drainage Easement containing 0.103 acres, more or less)

Exist. 18" RCP

UNIVERSITY GARDENS  
2ND ADDITION  
Lot 3

- Point of Beginning

## PROPOSED DRAINAGE EASEMENT

- Point of Commencement

**KWIK SHOP**  
5200 S.F.  
FF = 1405.00

5200 S.F.  
FF = 1405.0

Lot 1

21ST STREET N.

KWIK SHOP #746 CONVENIENCE STORE

# DRAINAGE EASEMENT

Property Owner: CITY OF WICHITA

PEC Project No. 14981-001-2989



**PEC** PROFESSIONAL ENGINEERING CONSULTANTS, P.A.  
303 SOUTH TOPEKA WICHITA, KS 67202  
316-262-2691 [www.pec1.com](http://www.pec1.com)

Saved 03-12-2015 10:39:40 AM by RFJ  
Plot Scale 1:50 03-13-2015 1:23:47 PM by JDK  
U:\Wichita-Civil\2014\14981\001\Muni\Drawings\Misc\14981-001 Drainage Easement - City



City of Wichita  
City Council Meeting  
May 5, 2015

**TO:** Mayor and City Council

**SUBJECT:** Request for Extension of Healthcare Facilities Refunding and Improvement Revenue Bond Letter of Intent (Presbyterian Manors, Inc.) (Districts I and VI)

**INITIATED BY:** Office of Urban Development

**AGENDA:** Consent

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**Recommendation:** Approve the extension of the letter of intent to allow for an extension of the sales tax exemption certificate.

**Background:** On April 16, 2013, the Wichita City Council approved a two-year Letter of Intent (LOI) for Presbyterian Manors, Inc. (“PMI”) to issue Health Care Facilities Refunding and Improvement Revenue Bonds in an amount not-to-exceed \$110,000,000, which was later amended to \$125,000,000. The City Council approved the issuance of industrial revenue bonds in the amount of approximately \$85 million on July 23, 2013 and an additional issuance of \$30,800,000 was approved on August 5, 2015. Bond proceeds were used to refinance existing debt and finance new improvements at several of its facilities throughout the state, including the PMI residential facility located at 4700 W. 13<sup>th</sup> Street in Wichita. Through a series of interlocal agreements, the City of Wichita serves as a “host” bond issuer in order to facilitate consolidated financings of PMI facilities in Kansas.

PMI is now requesting an extension of the Letter of Intent through June 30, 2016 to accommodate an extension of the sales tax exemption through the completion of these projects.

**Analysis:** The 2013 Bond proceeds were used to refinance outstanding bonds (Series III, 2004 and Series III, 2007), fund new improvements and pay costs of issuance. Approximately \$28,660,000 is being used to fund improvements associated with a major project to reposition the Wichita facility, and \$11,300,000 will be used to construct improvements for the PMI Kansas facilities located in Arkansas City, Kansas City, Lawrence, Newton, Parsons and Topeka. The 2014 bond proceeds of \$30,800,000 were used to cover increased costs at the west 13<sup>th</sup> Street Project and to finance the acquisition and rehabilitation of a new corporate headquarters located at 2414 N. Woodlawn.

The projects are taking longer than anticipated and the current sales tax exemption certificate expired April 16, 2015, the same date the LOI expired. Extending the LOI will allow for an extension of the sales tax exemption certificate.

**Financial Considerations:** Presbyterian Manor, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City’s \$2,500 annual IRB administrative fee for the term of the bonds. Presbyterian Manor, Inc. is generally exempt from ad valorem property taxes pursuant to Kansas law.

**Legal Considerations:** Bond documents needed for the issuance of the bonds will be prepared by Bond Counsel. The form of bond documents shall be subject to review and approval by the Law Department prior to the issuance of any bonds.

**Recommendations/Actions:** It is recommended that the City Council approve the extension of the Letter of Intent for Presbyterian Manors Inc. through April 16, 2016.

**Attachments:** Request for Letter of Intent Extension



April 22, 2015

Mr. Tim Goodpasture  
City of Wichita, Kansas  
455 N Main, 13<sup>th</sup> Floor  
Wichita, KS 67202

RE: Extension of Exemption Certificate #0000036418

Dear Mr. Goodpasture

Presbyterian Manors, Inc. formally requests an extension of the sales and compensating tax exemption certificate, Exemption Certificate #0000036418 issued May 8, 2013, through June 30, 2016. We expect that Phase II of the repositioning of our senior living campus in Wichita to be completed at that time.

Thank you for your consideration.

Sincerely,

Beverly Woodsmall  
CFO/Treasurer

{ Mission: To provide quality senior services guided by Christian values. }

P.O. Box 20440 Wichita, KS 67208-1440 TF | 800-336-8511 P | 316-685-1100 F | 316-685-2900 [PresbyterianManors.org](http://PresbyterianManors.org)

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**City of Wichita  
City Council Meeting  
May 5, 2015**

**TO:** Mayor and City Council  
**SUBJECT:** Approval of Certificate of Convenience and Necessity for Scott Hardin d/b/a Big Ticket Limousine Service LLC (Charter Limousine Service)  
**INITIATED BY:** Finance Department  
**AGENDA:** Consent

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**Recommendation:** Approve a Certificate of Convenience and Necessity for Big Ticket Limousine Service LLC.

**Background:** The City of Wichita received an application from Mr. Scott Hardin d/b/a Big Ticket Limousine Service LLC, to operate a chartered limousine service in Wichita, Kansas. A requirement of the Charter Limousine license is a certificate of convenience and necessity. The application included support documentation, an insurance policy which satisfied code requirements, payment of fee, and information necessary for purposes of a police records check. Vehicles to be used under the authority of the licenses are inspected and permitted by the Public Works & Utilities Fleet and Buildings Division. The City's Municipal Code for "Chartered Limousine Service" regulates only vehicles with a capacity of nine passengers or less. Larger capacity passenger vehicles are regulated by the Kansas Corporation Commission as part of its Motor Carrier regulatory responsibilities. Big Ticket Limousine Service LLC currently operates only one vehicle that falls within the regulatory responsibility of the City's Code.

**Analysis:** If approved for a certificate, Big Ticket Limousine Service LLC (Limousine Service) will become a licensed chartered limousine service in the city of Wichita. This will be an added resource to those persons wanting transportation services for special occasions.

**Financial Considerations:** The Chartered Limousine Service license fee is \$200 a year.

**Legal Consideration:** The City's Law Department has reviewed the Certificate of Convenience and Necessity and the policy of insurance submitted by Scott Hardin Big Ticket Limousine Service LLC (Limousine Service) as to form.

**Recommendation/Action:** It is recommended that the City Council approve a Certificate of Convenience and Necessity for Scott Hardin to operate Big Ticket Limousine Service LLC (Limousine Service), including up to one vehicle in Wichita, Kansas.